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INVESTIGATION OF COMMUNIST INFILTRATION OF GOVERNMENT—PART 1

Since these hearings are consecutively paged they are arranged by page number instead of alphabetically by title.

HEARING

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES

HOUSE OF REPRESENTATIVES

EIGHTY-FOURTH CONGRESS

FIRST SESSION

DECEMBER 13, 1955

Printed for the use of the Committee on Un-American Activities

(Index in Part 2 of this Series)

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UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1956

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress (1946), chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American Activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 84TH CONGRESS

House Resolution 5, January 5, 1955

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

* * * * *

(q) Committee on Un-American Activities, to consist of nine members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

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INVESTIGATION OF COMMUNIST INFILTRATION OF GOVERNMENT—PART 1

TUESDAY, DECEMBER 13, 1955

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Chicago, Ill.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met at 10 a. m., pursuant to notice, in the Federal courthouse, Chicago, Ill., Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representatives Francis E. Walter (chairman), Morgan M. Moulder, Edwin E. Willis, and Gordon H. Scherer.

Staff members present: Frank S. Tavenner, Jr., counsel; and Thomas W. Beale, Sr., chief clerk.

The CHAIRMAN. The committee will come to order.

Let the record show that I, Francis E. Walter, of Pennsylvania, chairman of the Committee on Un-American Activities of the House of Representatives, Washington, D. C., pursuant to the provisions of law, have duly appointed a subcommittee for the purpose of conducting this hearing, composed of Representatives Morgan M. Moulder of Missouri; Edwin E. Willis of Louisiana; Harold H. Velde of Illinois; Gordon H. Scherer of Ohio; and myself, as subcommittee chairman. The full membership of the subcommittee is present with the exception of Representative Harold H. Velde, who has been unavoidably detained, but he assured me yesterday that he would be present during the course of these hearings.

The Congress of the United States has imposed upon this committee the duty of investigating the extent, character, and objects of un-American propaganda activities in the United States, the diffusion within the United States of subversive and un-American propaganda, that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and all other questions in relation thereto that would aid Congress in the performance of its responsibility.

In 1948, the Committee on Un-American Activities of the House of Representatives heard, for the first time, testimony of Communist cells within the Government.

Whittaker Chambers, a contact for Soviet espionage agents as early as 1933, told of his liaison with the Hungarian born Communist, Alexander Goldberger, alias J. Peters, alias Alexander Stevens, a notorious Soviet espionage agent operating secretly out of New York City. Chambers identified a number of Government employees

being used by the Soviet Union as contacts who furnished the Communist conspiracy with information regarding the operations of our Government. As a result of Chambers' testimony, Alger Hiss was convicted and sentenced to prison.

Subsequently, Elizabeth Bentley testified that she had served as the liaison between certain Government employees and Jacob N. Golos, another Soviet espionage agent in New York City. The testimony of Miss Bentley revealed a second Soviet apparatus within the Government agencies, and as a result of her testimony, William Remington was convicted and sent to prison.

From the testimony of these two former contacts for the Soviet espionage network in the United States, it was quite apparent that other organized cells of Communists within the Government agencies existed. This opinion was confirmed by the testimony of Mary Stalcup Markward who, at the request of the FBI, served as an undercover agent in the city of Washington for a period of 7 years, and eventually became the treasurer of the Communist Party for District No. 4, comprising the State of Maryland and the District of Columbia. Mrs. Markward testified before this committee that she was aware of the existence of a number of organized groups of the Communist Party within various agencies of the United States Government because of the payment of Communist Party dues from these groups to her. However, the identity of the individuals and of the groups themselves were unknown to her because of the highly secret methods which the Communist Party used in protecting these groups.

This committee has never relaxed for one moment in its efforts to determine if such cells did exist, who were the leaders, what were their objectives, and whether they are still operating. Our efforts have been rewarded, at least partially. The present investigation, resulting in this hearing in Chicago, and other hearings to be held throughout the United States, is expected to reveal the former existence of at least 10 cells of organized, disciplined Communists, within several Government agencies and comprised wholly of Government employees.

The Congress and the agencies involved must be made aware of the character, extent, and objects of Communist propaganda activities when such activities are carried on by Government employees who are subject to the directives and discipline of the Communist Party, and that is the purpose of this hearing.

The committee does not expect every witness who has been subpoenaed to appear to testify fully as to his participation in the attempt to undermine his Government. It is to be expected that the committee will be told anew about the Constitution of the United States and particularly how the fifth amendment applies to them.

But to the witness who has once been a part of that alien conspiracy and who has seen the error of his ways and broken with the Communist Party, and is possessed of the fortitude to take the stand and relate his experiences and give the committee the benefit of his knowledge, the committee and the country owe a debt of gratitude. It is not an easy task to appear before a congressional committee and lay bare all of your shortcomings of years gone by. Such persons will be subjected to all the vituperations that can be heaped upon them by the well-organized smear bund of the Communist Party and

its henchmen. To those witnesses who decide they will give us the benefit of their knowledge, I have this to say—you will have the heartfelt thanks of your fellow Americans and you will have made a worthy contribution to the cause of a free world.

It is the standing rule of this committee that any person named in the course of a committee hearing as a member of the Communist Party, shall be given an early opportunity to appear before this committee, if he so desires, for the purpose of denying or explaining any testimony adversely affecting him. Should such an occasion arise, the individual concerned should communicate with a member of the staff or with me.

Those present in this hearing room are reminded that you are the guests of the committee. Disturbances of any kind or audible comment during the course of testimony, whether favorable or unfavorable to any witness or the committee, will not be tolerated. For infractions of this rule, the offender immediately will be asked to leave the room.

Call your first witness, Mr. Tavenner,

Mr. TAVENNER. Professor Fuchs.

The CHAIRMAN. Will you raise your right hand? Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FUCHS. I do.

The CHAIRMAN. Be seated, please.

TESTIMONY OF HERBERT FUCHS

Mr. TAVENNER. What is your name, please, sir?

Mr. FUCHS. Herbert Fuchs.

Mr. TAVENNER. When and where were you born, Mr. Fuchs?

Mr. FUCHS. I was born on September 20, 1905, in the city of New York.

Mr. TAVENNER. Where do you now reside?

Mr. FUCHS. In Washington, District of Columbia.

Mr. TAVENNER. What is your occupation or profession?

Mr. FUCHS. I am a professor of law on terminal leave from the American University Law School.

Mr. TAVENNER. Have you engaged in the practice of law?

Mr. FUCHS. I am an attorney.

Mr. TAVENNER. I believe the field in which you teach is that of the law?

Mr. FUCHS. That is right, sir.

Mr. TAVENNER. Will you tell the committee, please, briefly, what your formal educational training has been?

Mr. FUCHS. I was graduated from the College of the City of New York, in 1924, with a degree of bachelor of science in social sciences, and from the New York University Law School in 1928 with the degree of doctor juris.

Mr. TAVENNER. Will you outline to the committee, your employment with the United States Government, beginning with your first position and the dates thereof.

Mr. FUCHS. I entered Government employment in July of 1936, taking a position with the so-called Wheeler committee, a subcommittee of the United States Senate Committee on Interstate and Foreign Commerce.

Mr. TAVENNER. Was that subcommittee known as the Subcommittee to Investigate Railroads, Holding Companies, and Related Matters?

Mr. FUCHS. That is correct, sir. I transferred from the Wheeler committee in October of 1937 to the National Labor Relations Board. I was employed by that board as an attorney from October of 1937 until sometime in the latter half of 1942, when I transferred to the Board of Economic Warfare, where I served very briefly as an economic analyst, transferring before the end of that year to employment with the National War Labor Board in Washington, D. C.

Mr. TAVENNER. Can you give us the approximate date when you transferred to the National War Labor Board?

Mr. FUCHS. I believe I started working there around Thanksgiving Day of 1942.

Mr. TAVENNER. How long did you serve in Washington as an employee of that Board?

The CHAIRMAN. I will have to remind you of the rule about taking pictures during the course of hearings.

Mr. FUCHS. I believe it was January 26, 1943, that I transferred to the Denver Regional Office of the National War Labor Board. There I remained until December of 1945. At the turn of the year, the first working day of January 1946, I returned to the National Labor Relations Board in Washington and I continued there until October 31, 1948, when I left Government employment.

Mr. TAVENNER. What was your employment upon completion of your Government work? Were you employed in some capacity by an organization interested in lobbying against the Taft-Hartley Act?

Mr. FUCHS. I worked briefly for the Public Affairs Institute, which was a research organization, and for 1 month for the United States Senate Committee on Education and Labor.

Mr. TAVENNER. Was that work done in preparation of a report that committee was interested in filing?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. How have you been employed since that time?

Mr. FUCHS. I entered employment as a teacher on a part-time basis, and became a full-time teacher in 1950, and that brings it up to date.

Mr. TAVENNER. Were you a member of the Communist Party at the time you were first employed by the United States Government with the so-called Wheeler committee?

Mr. FUCHS. Yes, sir, I was.

Mr. TAVENNER. Will you tell the committee where and under what circumstances you became a member of the Communist Party?

Mr. FUCHS. I became a member of the Communist Party to the best of my recollection in about November of 1934, in New York City.

Mr. TAVENNER. How were you employed at that time?

Mr. FUCHS. I was engaged in the practice of law with my father in Manhattan; I think that is the answer.

Mr. TAVENNER. Will you proceed to tell the committee the circumstances under which you became a member of the Communist Party?

Mr. FUCHS. There was a very good friend of mine who interested me in some of the Marxist ideas, and ultimately persuaded me that if I was serious about my liberal proclivities, and if I wanted to actually

effectuate them, the thing to do was to join the Communist Party, which was serious about bringing about the desired ends. Generally speaking, these ends were social reform, opposition to fascism, fighting against unemployment and bigotry, supporting the rights of labor and minorities. It was that kind of thing.

Mr. SCHERER. Did your friend tell you these were the objectives at the time he enlisted you into membership?

Mr. FUCHS. He not only told me, sir, I believed it, and I guess he wasn't the only one who was saying it. These were the stated objectives; yes.

Mr. TAVENNER. Did you later learn that that individual was a member of the Communist Party group to which you were assigned?

Mr. FUCHS. He was a member, and he in fact recruited me to membership in the party.

Mr. TAVENNER. Did that group of the Communist Party have a name, or a designation?

Mr. FUCHS. I am not sure it had a name. It was, however, a Communist Party group consisting of taxicab drivers working in a union of taxicab drivers.

Mr. TAVENNER. Were you at that time practicing as an attorney?

Mr. FUCHS. That is right.

Mr. TAVENNER. Were there any other members of the legal profession in that group?

Mr. FUCHS. There were not.

Mr. TAVENNER. Were you assigned to that group because of the friendship of the person who recruited you?

Mr. FUCHS. Actually that was the reason for my assignment. It was my choice. I had a great deal of liking and respect for this man and I wanted to join the Communist Party and I wanted to work where he was working.

Mr. TAVENNER. Was he the leader of this group?

Mr. FUCHS. I think not. He was a taxi driver. I don't think he was a leader.

Mr. TAVENNER. When you became a member, did you sign a card?

Mr. FUCHS. I believe so.

Mr. TAVENNER. Did you use your own name?

Mr. FUCHS. No. I did not, sir.

Mr. TAVENNER. What name did you use?

Mr. FUCHS. I used my own first name, and my mother's maiden name, "Hacker."

Mr. TAVENNER. That meant your Communist Party name was what?

Mr. FUCHS. Herbert Hacker.

Mr. TAVENNER. Why did you use this pseudonym?

Mr. FUCHS. Essentially for the purpose of protecting my anonymity.

Mr. TAVENNER. Did the other members of this group also use fictitious names?

Mr. FUCHS. I think the answer to that is that some did, and others did not. It was pretty much a matter of individual preference.

Mr. SCHERER. Were the more prominent members the ones who used fictitious names? Is that about right?

Mr. FUCHS. That is right, Mr. Scherer, with respect to functionaries. They did, but in the ordinary group the practice varied, and I don't think it was uniform.

Mr. SCHERER. Later in your experience in the Communist Party, did you find that the more prominent members in the community and in the professions were the ones who attempted to conceal their identity by the use of fictitious names?

Mr. FUCHS. No, sir. The greater part of my Communist Party membership was spent in Government employment, and there we concealed our party membership, but we did not use fictitious names.

Mr. SCHERER. Did you use another method to conceal your membership rather than the use of fictitious names?

Mr. FUCHS. That is correct.

Mr. SCHERER. Are you going to develop that later on, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

How long were you a member of this taxicab group of the Communist Party?

Mr. FUCHS. I think about a year.

Mr. TAVENNER. Were you then assigned to another group?

Mr. FUCHS. That is right.

Mr. TAVENNER. What was the type of the group to which you were then assigned?

Mr. FUCHS. That was a group that was concentrating on developing Communists in industrial plants. The object was to attempt to recruit Communist Party members from among the workers of that plant.

Mr. TAVENNER. What was the name of that plant?

Mr. FUCHS. It was the Consolidated Edison powerplant on East 14th Street, I think.

Mr. TAVENNER. How many members of your group were employed at that plant?

Mr. FUCHS. One.

Mr. TAVENNER. What was his name?

Mr. FUCHS. James Stasinos.

Mr. TAVENNER. Will you spell the last name, please?

Mr. FUCHS. S-t-a-s-i-n-o-s.

Mr. TAVENNER. Was he also the head of your group?

Mr. FUCHS. That is right, sir.

Mr. TAVENNER. What you actually had was a Communist Party cell composed of one employee of this plant. Was the purpose and object of that cell to recruit members into the Communist Party from that plant?

Mr. FUCHS. That is correct.

Mr. TAVENNER. What was the purpose in having this group within that particular union of employees in that particular plant? What did the Communist Party hope ultimately to succeed in doing by organizing within that plant?

Mr. FUCHS. Well, I don't know. The line generally was the organization of the unorganized, and the line generally was that Communists took the line in organizing the unorganized. I would not like to make a retrospective appraisal of what the ultimate purposes were. At that time our purpose was simply to get a union started, and to get some more Communists in there to help start the union.

Mr. TAVENNER. How many persons were members of that group?

Mr. FUCHS. I don't rightly recall. I think there were about half a dozen.

Mr. TAVENNER. Can you give us the names of other members of this group besides the leader?

Mr. FUCHS. No, sir; I cannot. I don't remember them.

Mr. TAVENNER. Did you become acquainted at that time with a person by the name of Leah Robison?

Mr. FUCHS. Yes; I did.

Mr. TAVENNER. Was she affiliated with that group?

Mr. FUCHS. She was, sir.

Mr. TAVENNER. How was she employed?

Mr. FUCHS. I am not sure she was employed; I do not recall.

Mr. TAVENNER. I may want to ask you an additional question relating to her later in your testimony.

It is not my purpose, and I have no intention of asking you about members of your immediate family, and by that I do not mean to leave an inference that there was any situation that would require me to do it. I am not interested in asking you about any member of your immediate family.

How long did you maintain your membership in the Communist Party in the city of New York?

Mr. FUCHS. Until I secured Government employment, which was in July of 1936. The total period therefore would be less than 2 years.

Mr. TAVENNER. Did that Government employment take you to the city of Washington?

Mr. FUCHS. That is right.

Mr. TAVENNER. Were you aided in any way in obtaining that Government position, with the so-called Wheeler committee by any member of the Communist Party?

Mr. FUCHS. No, sir; that is not to my knowledge. I certainly couldn't say so.

Mr. TAVENNER. What type of position did you have with that Senate subcommittee?

Mr. FUCHS. I think its title was "Attorney," and it was of course a part of the investigating staff.

Mr. TAVENNER. At the time you went to Washington, were you a member of the Communist Party in New York?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Did you consult any functionary of the Communist Party regarding your new assignment prior to leaving for Washington?

Mr. FUCHS. I reported to the head of the New York section of the Communist Party, that I had obtained a job in Washington, and I was going to be working for the Government and I would be leaving New York. He said to me, "in that case you must turn in your membership card to me." And I did that.

Mr. TAVENNER. Who was that organizer?

Mr. FUCHS. My difficulty with that question is that there were two successive organizers of that particular section, and I don't remember which one of the two it was, but I shall name them both. There was Sam Brown, and there was Martin Chancey, and I think Mr. Chancey succeeded Mr. Brown in that post, and my chronology is just off there, and I don't know which one of the two it was.

Mr. TAVENNER. When you arrived in Washington and took up your assignment on the Wheeler committee, were you reintegrated into the Communist Party?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Who was the person who reintegrated you into the Communist Party?

Mr. FUCHS. Arthur Stein.

Mr. TAVENNER. Did you later learn whether or not he was a functionary in the Communist Party in the city of Washington?

Mr. FUCHS. He was the leader of a group.

Mr. TAVENNER. Where was Arthur Stein employed at that time?

Mr. FUCHS. At the Works Progress Administration.

Mr. TAVENNER. Do you know anything about the successive Government employment of Arthur Stein?

Mr. FUCHS. No; I don't remember.

Mr. TAVENNER. Do you know whether he was one of the founders of the United Federal Workers of America?

Mr. FUCHS. Yes, sir. I know that he was influentially active in that.

Mr. TAVENNER. During that period of time was he a member of the Communist Party?

Mr. FUCHS. Yes.

Mr. TAVENNER. At the time that you were reintegrated into the Communist Party in Washington, D. C., was there an organized group or cell of the Communist Party within the employees of the Wheeler committee?

Mr. FUCHS. I believe there was none until we formed one.

Mr. TAVENNER. When Arthur Stein reintegrated you into the Communist Party, what assignment did he give you? In other words, what did he tell you?

Mr. FUCHS. He told me that I and another employee of the Wheeler committee could be a group, or should get together and be a group. We did, and we also subsequently admitted two other persons to that group.

Mr. MOULDER. What were the functions of the so-called Wheeler committee?

Mr. TAVENNER. The Wheeler committee, as the witness testified, was a subcommittee of the committee of the whole.

This subcommittee was the Subcommittee To Investigate Railroads, Holding Companies, and Related Matters, of the Senate Committee on Interstate and Foreign Commerce.

You stated Arthur Stein at that time was an employee in WPA. Did you later learn that there was an organized group of the Communist Party within WPA at that time?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Instead of Arthur Stein bringing you in as a part of his own group, did he suggest to you the formation of a cell of the Communist Party among the employees of the Wheeler committee?

Mr. FUCHS. That is right.

Mr. TAVENNER. Did he tell you why the Communist Party wanted that cell formed among the employees of that subcommittee?

Mr. FUCHS. I don't recall that he told me anything of that sort. I do recall that it seemed to have been the policy of the party to have groups limited to fellow employees as much as possible, and I believe that that was the reason.

Mr. TAVENNER. You stated you were directed to work with another person employed by that subcommittee, to form this group or cell. Who was that other person?

Mr. FUCHS. James Gorham.

Mr. TAVENNER. Will you spell that last name please?

Mr. FUCHS. Gorham, G-o-r-h-a-m.

Mr. TAVENNER. Mr. Chairman, I think out of fairness to James Gorham, that I should say that he has been interviewed by members of the staff, and has admitted his former Communist Party membership and has given a full and complete statement to the committee of his activities and his knowledge of Communist Party activities. He will in due time be called as a witness.

You have said that after you and Gorham got together, you brought other persons into this group. Who were they?

Mr. FUCHS. Samuel Koenigsberg, and Ellis Olim.

Mr. TAVENNER. Was Koenigsberg also employed by the Wheeler committee?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. What was the nature of his employment?

Mr. FUCHS. He was an attorney.

Mr. TAVENNER. What was the nature of Mr. Gorham's employment?

Mr. FUCHS. I think Mr. Gorham was an economist.

Mr. TAVENNER. In a general way, what were your duties and those of Mr. Koenigsberg as attorneys on this staff? What type of work were you doing?

Mr. FUCHS. I hardly remember, sir. I know that generally we analyzed Interstate Commerce Commission data involved in various railroad reorganizational activities. I remember on one occasion I went along with another attorney on a field trip to Pittsburgh to copy some data, and there was general investigational work, and I don't think that there was a very substantial difference in duties between those who were on the staff as attorneys, and those who were on the staff as economists or investigators.

Mr. TAVENNER. Will you spell the name Koenigsberg?

Mr. FUCHS. K-o-e-n-i-g-s-b-e-r-g.

Mr. TAVENNER. You named an additional person who became a member of this group. What was his name?

Mr. FUCHS. Ellis Olim, O-l-i-m.

Mr. TAVENNER. Was Mr. Olim employed by the same Senate subcommittee?

Mr. FUCHS. No, sir.

Mr. TAVENNER. How was he employed?

Mr. FUCHS. I believe he was employed by the Interstate Commerce Commission, and it so happens that the Senate committee staff was housed in the Interstate Commerce Commission Building. I suppose the reason Mr. Olim joined us was that his place of work was adjacent to ours.

Mr. TAVENNER. Was he still a member of that group when you left it?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Was Margaret Bennett Porter an employee of the committee at that time?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Was she a member of your group of the Communist Party while you were in the employment of the Senate subcommittee?

Mr. FUCHS. She was not in the group with us.

Mr. TAVENNER. Did you learn to know her as a member of the Communist Party?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Was that in connection with other activities of yours somewhat later?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Do you have any knowledge whether she became a member of the Communist Party while employed by the Wheeler committee after you had left that committee?

Mr. FUCHS. I don't.

Mr. TAVENNER. Was she the wife of John W. Porter?

Mr. FUCHS. She became his wife.

Mr. TAVENNER. At the time that you were directed to form this cell of the Communist Party or during the time that the work of that cell was going on, did you discuss the work of the cell with any other functionary of the Communist Party, that is, any person other than Arthur Stein?

Mr. FUCHS. I don't recall that I did. We ourselves discussed the work to some extent, having difficulty finding any significant work to do, but I don't recall discussing the work with any functionary.

Mr. TAVENNER. Who was responsible for the guidance of the work of that cell from a higher level?

Mr. FUCHS. I don't know, it received no guidance.

Mr. TAVENNER. I understand then that your contact man was Arthur Stein?

Mr. FUCHS. Yes.

Mr. TAVENNER. For what purpose did you contact him?

Mr. FUCHS. The functions of any group would include the payment of dues and to some extent I suppose, to receive literature and one would contact a number of the unit heads of which Mr. Stein was one, and I became one for general purposes of organization. Actually, it was felt that one of the principal objectives of our group would be to do union work, but there wasn't any union among the employees of the Wheeler committee and as near as I know it didn't actually get underway, by the time I left that job.

Mr. TAVENNER. Did you meet regularly during the period of time that you were active in the group?

Mr. FUCHS. Rather irregularly.

Mr. TAVENNER. How frequently did you meet?

Mr. FUCHS. It is very hard for me to recall. I know the objective, or the ideal objective that I had in my head about meetings dated back to the New York period and it was that a weekly meeting was a good idea. I don't think that we achieved even fortnightly meetings, and I just don't remember.

Mr. TAVENNER. During those meetings, did you carry out the usual procedure to which you were accustomed in New York, with regard to the dispersing of Communist Party literature?

Mr. FUCHS. I am not sure at what point in my Washington experience Communist Party literature became unavailable, because it was either too difficult to purchase, or too risky to receive, so I don't know whether we did that throughout that time or not. Certainly we would have tried to. And we would pay dues, and we would discuss problems.

Mr. TAVENNER. What were the dues?

Mr. FUCHS. I really can't tell you, sir. I can tell you of my own experience as a dues payer, but I can't tell you what the dues were at any particular scale. Here, too, I tend to think back to New York, and the dues were to be scaled to one's earnings and in Washington we paid higher dues than I had paid in New York. At some time, the dues I paid were as high as \$30 a month, but it was sporadic, and it wasn't regular, and it wasn't consistent.

Mr. TAVENNER. Were your dues that high while you were employed by that Senate subcommittee?

Mr. FUCHS. I don't think so.

Mr. MOULDER. You said that your objective with the subcommittee was in connection with union work. Just what union work was performed? What was the nature of the union activities?

Mr. FUCHS. In that period, Mr. Moulder, as I recall, in Washington, liberals as well as people further to the left were attempting to develop a union of Government employees. There were existing unions but the more progressive or leftwing people thought that they were not sufficiently militant and aggressive.

Mr. MOULDER. That is, the Communist Party did not think that they were?

Mr. FUCHS. The Communist Party did not think that they were, and I suspect that there were people who were not Communists who didn't think that they were. In any event, there was a movement, which I can't place in time, but it was around 1937, under which a number of lodges of the American Federation of Government Employees split off from that organization to the left and there was a great deal of union activity reminiscent of places other than the Government, that is to say milling about.

Mr. MOULDER. That is what I am asking, what union activities were actually practiced? Were you familiar with any other recognized union organization, or was it just the Communist group which they themselves referred to as union activities?

Mr. FUCHS. I wish that I were better versed in the history of that movement. I am not really very well versed in it. I myself didn't get to be a member of the union. I am sorry not to be responsive, but I am not really able to describe this. But there was a movement.

Mr. MOULDER. Then the primary objective was to organize a Communist cell group and not an organized union group in the Wheeler committee, and in other Government agencies?

Mr. FUCHS. But the ostensible objective was to organize the Government employees into unions.

Mr. MOULDER. Now that is where I get the wrong impression. I received the impression that inasmuch as there were no union activities, legitimate affiliation with a union organization, that the objective really was to organize Communist Party cells.

Mr. FUCHS. Well, I am just afraid that I am not qualified to generalize that, because I am sure that some had that purpose, and some others had the other purpose.

Mr. TAVENNER. I understood you to say a few minutes ago that you as the leader of this cell organized within the Wheeler committee attended meetings with Arthur Stein and leaders of other groups. Is that what you said?

Mr. FUCHS. That is correct.

Mr. TAVENNER. What was the reason for having meetings of that description which you attended as a representative of your group?

Mr. FUCHS. This group of unit heads would act as a kind of policy or steering committee. I think that is a sufficient answer. That was its function.

Mr. TAVENNER. Were those meetings made up of representatives from other groups or cells of the Communist Party?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. In general, where were those? Were the representatives of those cells in every instance representatives of cells organized within the Government?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. In other words, this was a special group within Government, of which you are speaking?

Mr. FUCHS. That is right.

Mr. TAVENNER. Over how long a period of time did you attend such meetings?

Mr. FUCHS. I think that my attendance at that type of meeting was limited to the period of my employment with the Wheeler committee, and that it stopped when I transferred to the National Labor Relations Board.

Mr. TAVENNER. That was from July of 1936 to October of 1937?

Mr. FUCHS. Within that period.

Mr. TAVENNER. How many persons would normally attend those meetings?

Mr. FUCHS. About eight I should say.

Mr. TAVENNER. Would it be correct to refer to those meetings as section meetings of the Communist Party, within Government?

Mr. FUCHS. Yes, sir; I think so.

Mr. TAVENNER. Who was the section leader or organizer of the Communist Party who had control of these groups to which you referred?

Mr. FUCHS. I think of three people who successively held that position. I don't know whether they all held it within my term, or whether some of this is hearsay. There was Eleanor Nelson, and there was Henry Rhine, and there was Arthur Stein, the person I mentioned. I can't arrange those in proper chronological order.

Mr. SCHERER. Eleanor Nelson—was that the name you gave us first?

Mr. FUCHS. Yes, sir.

Mr. SCHERER. In what agency was she employed?

Mr. FUCHS. She was employed in the Labor Department, and I think subsequently elsewhere in the Government.

Mr. SCHERER. In what capacity in the Labor Department?

Mr. FUCHS. I don't know.

Mr. SCHERER. Then the second one was who?

Mr. FUCHS. Henry Rhine.

Mr. SCHERER. Where was he employed?

Mr. FUCHS. I just don't remember.

Mr. SCHERER. Was he a Government employee?

Mr. FUCHS. Yes, at least part of the time he was.

Mr. SCHERER. Where is Henry Rhine now?

Mr. FUCHS. I don't know, sir.

Mr. SCHERER. Do you know where Eleanor Nelson is?

Mr. FUCHS. I understand she is dead, sir.

Mr. SCHERER. What was your last contact with Rhine?

Mr. FUCHS. I don't believe I have seen him at all in the past 14 years. I don't think that I have seen him since I went to Denver in 1943.

Mr. SCHERER. You haven't heard of him?

Mr. FUCHS. No.

Mr. SCHERER. The third man was Stein. What was Stein's first name?

Mr. FUCHS. Arthur.

Mr. SCHERER. Was he an employee of the Government at that time?

Mr. FUCHS. Yes, sir.

Mr. SCHERER. In what department?

Mr. FUCHS. WPA.

Mr. SCHERER. Do you know where Stein is today?

Mr. FUCHS. No; I don't know where he is today.

Mr. SCHERER. What was your last contact with Stein?

Mr. FUCHS. I have seen him as recently as 1948.

Mr. SCHERER. Where was he employed at that time? Was he still in Government?

Mr. FUCHS. No; I don't think so. I think that he was working for the union.

Mr. SCHERER. What union was that?

Mr. FUCHS. Perhaps Mr. Tavenner will help me with its name. At some time it had the name United Federal Workers of America, but the name has changed so often I couldn't be accurate.

Mr. TAVENNER. I think that was correct.

Mr. SCHERER. Is that correct, that Stein was one of the organizers of the United Federal Workers of America?

Mr. FUCHS. That is right.

Mr. SCHERER. What office did Eleanor Nelson hold with that union?

Mr. FUCHS. I know she held a significant office, and I don't remember what it was.

Mr. SCHERER. It may have been secretary and treasurer. Would that information be correct?

Mr. FUCHS. Yes, sir; that sounds right.

The CHAIRMAN. Proceed, Mr. Tavenner.

Mr. TAVENNER. That would indicate then that Eleanor Nelson represented a Communist Party cell organized within the Labor Department?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. And Stein represented a Communist Party cell within the WPA?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Do you know whether Rhine was employed by the National Recovery Administration at that time?

Mr. FUCHS. I really don't know.

Mr. TAVENNER. Will you give us the names of other persons who attended those section meetings of the Communist Party?

Mr. FUCHS. Yes, sir. There was Philip Reno.

Mr. TAVENNER. Let me stop there a moment. You saw a great deal of Mr. Philip Reno at a later period, didn't you?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. I will not go into that now. But at this particular time, how was he employed in Washington?

Mr. FUCHS. I think he worked for the Social Security Board.

Mr. TAVENNER. Would this indicate that there was a cell organized within the Social Security Board at the time that these section meetings were being held?

Mr. FUCHS. It would.

Mr. SCHERER. May I ask a question? You mentioned the name of Philip Reno. Is that a different Reno from the one whose testimony we heard in executive session in connection with the (John A.) Hutchison case?

Mr. FUCHS. Yes; there is no relationship whatsoever.

Mr. TAVENNER. Do you know of any other Government positions he held in Washington?

Mr. FUCHS. No; I do not.

Mr. TAVENNER. Was he later employed by the National War Labor Board in Denver?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Do you know whether he had other Government employment in Denver prior to his employment by the National War Labor Board in that city?

Mr. FUCHS. I don't know.

Mr. TAVENNER. Can you recall any others?

Mr. FUCHS. Yes, sir. Sidney Katz and Julia Katz.

Mr. TAVENNER. K-a-t-z, is that the spelling?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Is that husband and wife?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Do you know whether they were employed by the Government and if so, where?

Mr. FUCHS. I believe they both were, and I don't know by whom. I am sure that at least one of them was, and I believe both were, but I don't remember.

Mr. TAVENNER. Can you recall others?

Mr. FUCHS. Bernard Stern.

Mr. TAVENNER. S-t-e-r-n?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. How was Bernard Stern employed?

Mr. FUCHS. I believe he was employed at the Labor Department at some time and ultimately, I think, by the National Labor Relations Board.

Mr. SCHERER. In what capacity with the National Labor Relations Board?

Mr. FUCHS. Mr. Stern was an economist.

The CHAIRMAN. Did he get his job because he was a Communist, or was that incidental?

Mr. FUCHS. I don't know. I don't remember when he got it nor do I know how he got it.

Mr. SCHERER. Do you know where Stern is today?

Mr. FUCHS. I don't know.

Mr. SCHERER. When did you last see him?

Mr. FUCHS. I should say not in the last 10 years, but I just don't remember when I last saw him.

Mr. SCHERER. What was he doing when you last knew of him?

Mr. FUCHS. It may be that he was then employed at the National Labor Relations Board.

Mr. TAVENNER. What about his wife?

Mr. FUCHS. Yes; she was also at such meetings, and her name was Janet Buck Gaines before she became Mrs. Stern.

Mr. TAVENNER. Do you know what employment she had?

Mr. FUCHS. I did know, and I don't know now, but it was Government employment.

Mr. TAVENNER. You mentioned Henry Rhine. He was one of the first three that you mentioned. What about his wife?

Mr. FUCHS. Jessica Rhine, also.

Mr. TAVENNER. Do you know where she was employed at the time?

Mr. FUCHS. No, sir; I do not.

Mr. TAVENNER. Do you know whether she was employed by the Government?

Mr. FUCHS. I am pretty sure she was.

Mr. TAVENNER. You say it was at section meetings held by these persons where the policy of the party was laid down. Did you take back to your own group the Communist Party section decisions?

Mr. FUCHS. I presumably did, because that was my role. That is what I was supposed to do. The decisions made by this group, however, were heavily centered on what policy should be pursued in union activities.

Mr. TAVENNER. Are we confining our consideration now to the time when you were employed by the Senate subcommittee?

Mr. FUCHS. That is right.

Mr. TAVENNER. Who brought down the policies to this group from a higher level? That is, a level higher than the section?

Mr. FUCHS. I don't know.

Mr. TAVENNER. Who was the contact individual from the section to a higher level?

Mr. FUCHS. I really don't know. I would be guessing if I tried to answer that, and I would rather not.

Mr. SCHERER. There was a higher level, was there not, Professor?

Mr. FUCHS. Yes, sir.

Mr. SCHERER. Do you know whether that higher level was in Government or outside of Government?

Mr. FUCHS. I would be guessing there, and my guess would be that at that time the higher level there was outside of Government, but I don't really know.

Mr. TAVENNER. I understand that you left your employment with the Wheeler committee in October of 1937, and went to the NLRB?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Why did you make that change?

Mr. FUCHS. There was going to be a staff reduction on the Wheeler committee, and it was suggested to me by Lawrence Brown, the head of our office, that it would be well if the staff reduction could be made among people who could be placed, and that he felt that I could probably be placed, and that he had made a telephone call to arrange an interview for me at an agency which might place me. I kept that interview, or I telephoned and confirmed the interview, and got a job at the National Labor Relations Board.

Mr. TAVENNER. There should be no connotation to the use of the name Brown, I believe?

Mr. FUCHS. Definitely not.

Mr. TAVENNER. Are you just describing an event that occurred?

Mr. FUCHS. Yes. He has nothing to do with communism as far as I know.

Mr. TAVENNER. With what individual at the National Labor Relations Board did you confer?

Mr. FUCHS. Nathan Witt.

Mr. TAVENNER. What position did Nathan Witt hold at the National Labor Relations Board at the time of your interview?

Mr. FUCHS. I think he was Assistant General Counsel.

Mr. TAVENNER. Did you know him as a member of the Communist Party?

Mr. FUCHS. I did not.

Mr. TAVENNER. Had you been advised at that time that he was a member of the Communist Party?

Mr. FUCHS. I had not.

Mr. TAVENNER. Are you now acquainted with the testimony of Lee Pressman, before our committee, identifying Nathan Witt as a member of the Communist Party?

Mr. FUCHS. Yes.

Mr. TAVENNER. Were you subsequently employed by the NLRB?

Mr. FUCHS. Yes.

Mr. TAVENNER. As far as you know, did Nathan Witt know of your party membership?

Mr. FUCHS. Not to my knowledge.

Mr. TAVENNER. You did not identify yourself to him?

Mr. FUCHS. No.

Mr. TAVENNER. That would not be the practice in the Communist Party anyway; would it?

Mr. FUCHS. No.

Mr. TAVENNER. There would have been no difficulty in Nathan Witt knowing or finding out your Communist Party affiliation had he desired to do so?

Mr. FUCHS. I think that is quite right, assuming he was a Communist. I think that that is so.

Mr. TAVENNER. Are you aware of whether or not your Communist Party membership played any part in your employment with the National Labor Relations Board?

Mr. FUCHS. No; I am not.

Mr. TAVENNER. You do not know?

Mr. FUCHS. No.

Mr. TAVENNER. You were employed as an attorney?

Mr. FUCHS. Yes.

Mr. TAVENNER. At the time you became a member of the staff of the NLRB, was there an organized cell of the Communist Party among its staff?

Mr. FUCHS. Not as far as I knew.

Mr. TAVENNER. Did you continue to maintain your party membership in the Wheeler Committee cell?

Mr. FUCHS. Oh, no. When I transferred to the National Labor Relations Board, I was instructed to get in touch with three persons who were Communists.

Mr. TAVENNER. Who gave you those instructions?

Mr. FUCHS. Arthur Stein.

Mr. TAVENNER. For what reason did he say you should get in touch with these three persons?

Mr. FUCHS. To join them in forming a group at the Board. There may already have been a group, but in any event, I was told to get in touch with them.

Mr. TAVENNER. Who were those three individuals?

Mr. FUCHS. Allan Rosenberg, Martin Kurasch, and Joseph Robison.

Mr. TAVENNER. Will you spell those names, please?

Mr. FUCHS. Rosenberg, R-o-s-e-n-b-e-r-g; Kurasch, K-u-r-a-s-c-h; and Robison, R-o-b-i-s-o-n.

Mr. TAVENNER. Mr. Chairman, Allan Rosenberg has appeared before the committee, and refused to answer questions, relying on the fifth amendment.

Did you see these three individuals? Explain what occurred after you received those directions.

Mr. FUCHS. I met them, and we formed ourselves into a unit.

Mr. TAVENNER. It appears from the testimony of Allan Rosenberg, when he appeared before this committee on June 23, 1952, that he had been employed by a subcommittee of the Committee on Education and Labor of the United States Senate. This subcommittee was known as the La Follette Committee. That was in June of 1936, up until April of 1937, and in April of 1937 he was transferred to the NLRB. That would have been some months prior to your employment there.

Mr. FUCHS. Yes.

Mr. TAVENNER. Were you acquainted with Allan Rosenberg prior to his assignment to the NLRB?

Mr. FUCHS. No, sir.

Mr. TAVENNER. Mr. Rosenberg's superior on the Senate committee staff was John Abt, as counsel. Did John Abt, as far as you know, ever become employed by the National Labor Relations Board?

Mr. FUCHS. Not to my knowledge.

Mr. TAVENNER. Were you acquainted with John Abt?

Mr. FUCHS. I had met him once or twice.

Mr. TAVENNER. Under what circumstances?

Mr. FUCHS. I don't know, and I just recall being introduced to him, and I don't think that I had any dealings with him.

Mr. TAVENNER. Was it at a Communist Party meeting?

Mr. FUCHS. No, sir.

Mr. TAVENNER. Or function?

Mr. FUCHS. No, sir.

Mr. SCHERER. For the record, John Abt has been identified as a member of the Communist Party has he not, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

Do you know what other Government employment Allan Rosenberg has had?

Mr. FUCHS. No; my recollection is—oh yes, he was employed by the Board of Economic Warfare.

Mr. TAVENNER. Do you know anything about the circumstances under which he became employed there?

Mr. FUCHS. No. I know who his boss was. His boss was Max Lowenthal, but I don't know anything more about the circumstances.

Mr. TAVENNER. Do you know why he transferred out of the NLRB?

Mr. FUCHS. No, sir.

Mr. SCHERER. You have mentioned Max Lowenthal. If he was not a member of the Communist Party, we will not want it to be inferred that he was. I think we should know whether the witness knows whether Lowenthal was a member of the party or not.

Mr. FUCHS. He was not a member of the party to my knowledge.

The CHAIRMAN. Actually, this committee has never had any evidence presented to link him with the Communist Party.

Mr. TAVENNER. No, sir.

The CHAIRMAN. All right.

Mr. TAVENNER. Was Allan Rosenberg a lawyer at the NLRB?

Mr. FUCHS. Yes; he was a lawyer at the NLRB.

Mr. TAVENNER. What other positions did he hold on the Board ultimately?

Mr. FUCHS. There were times when he worked in the Secretary's office, and I don't know what position that was.

Mr. TAVENNER. That is Nathan Witt's office?

Mr. FUCHS. Nathan Witt who had been Assistant General Counsel, became Secretary of the Board, and at some time or other, Rosenberg worked in his office.

Mr. TAVENNER. Actually, the Secretary of the Board practically ran the operations of the organization, did he not?

Mr. FUCHS. I couldn't say.

Mr. TAVENNER. That is, while Witt was Secretary of the Board?

Mr. FUCHS. I think that office was the administrative head, yes.

Mr. TAVENNER. Was Martin Kurasch another person you mentioned as being 1 of the 3 who should unite in forming this cell within the Board?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. What position did he hold at that time?

Mr. FUCHS. He also worked out of the Secretary's office, at some time.

Mr. TAVENNER. Was that while Witt was Secretary?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Did Martin Kurasch also get his job through Witt?

Mr. FUCHS. I don't know how he got his job. I assume he got it through Witt, but I don't know.

Mr. TAVENNER. Do you know whether Kurasch and Witt were acquainted prior to his employment with the Board?

Mr. FUCHS. I don't know.

Mr. TAVENNER. Had you been acquainted with Martin Kurasch prior to your employment with the Board?

Mr. FUCHS. No.

Mr. TAVENNER. The third person that you mentioned, as forming the nucleus of this cell, was Joseph Robison; was he a lawyer?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. What assignment did he have with the Board?

Mr. FUCHS. I think that he worked as a lawyer exclusively.

Mr. TAVENNER. As far as you know, did he work out of Witt's office at any time?

Mr. FUCHS. Not to my recollection.

Mr. TAVENNER. Do you know anything about how he obtained his position with the NLRB?

Mr. FUCHS. No.

Mr. TAVENNER. Did you know him at any time before your employment?

Mr. FUCHS. I knew his family in New York, very slightly socially, and I think his elder brother was a classmate of mine at college, and I had met his family at a party or two. I didn't know him.

Mr. TAVENNER. I told you earlier that I wanted to ask you another question about Leah Robison. She was a member of your cell in the Communist Party in New York City. Is there any relationship between Leah Robison, and Joseph Robison?

Mr. FUCHS. I think that they are cousins.

Mr. TAVENNER. Was this organized group of the Communist Party within the NLRB, known by a name or a number?

Mr. FUCHS. Not to me, sir.

Mr. TAVENNER. You said you signed a card when you joined the Communist Party in New York City? Did you also have a card showing your membership in the NLRB group?

Mr. FUCHS. I have never had a Communist Party card showing my membership in the party at any time from the beginning of my Government employment.

Mr. TAVENNER. Why was that? Was there a different policy followed by the Communist Party as to its members employed by the Government, and non-Government employees?

Mr. FUCHS. Yes.

Mr. TAVENNER. What was the reason for that?

Mr. FUCHS. The undesirability of exposure.

Mr. TAVENNER. Was it a matter of security?

Mr. FUCHS. Exactly.

Mr. TAVENNER. From the standpoint of the Communist Party, that has turned out to be a pretty wise policy. We have been able to produce a great many Communist Party cards before this committee, but never the Communist Party card of a member of the Communist Party who was employed by the Government.

If there were no cards to indicate membership in the Communist Party how were the records kept to show membership?

Mr. FUCHS. I don't know.

Mr. TAVENNER. Did you keep any records of the members in the groups of which you were actually in charge?

Mr. FUCHS. No, sir.

Mr. TAVENNER. Will you explain to the committee, please, just how people were recruited into the Communist Party, from within Government, or what procedure was followed to the best of your recollection?

Mr. FUCHS. Well, one of the obligations of Communists, assumed by Communists as such, was to recruit worthy members to the organization. This was regarded as particularly a difficult chore in Government because of the security problem, as you state it.

My recollection of what happened was this: If a particular group or members of it were favorably disposed toward some fellow employee and thought that he might, or that he was sufficiently like-minded with the group to make a good member of it, and a useful member of it, they would, after a period of associating with this person, suggest his name to the group. That was for consideration or ultimate recruitment. The group would discuss the matter and perhaps reject the proposal, but if the group was favorably disposed

toward the proposal, it was not free to pop the question until it checked with higher authority and received a favorable report back.

Mr. TAVENNER. That is, authority higher than your particular cell?

Mr. FUCHS. That is right. If favorable word came back, the group then had control of the question of asking the person or not. And assuming that favorable word did come back, it would then assign one or more of its own members to talk to the prospect in terms of party membership. By that time, if the prospect accepted, he would be welcomed to a meeting and would take part in the life of the group. I must say that in my entire time in the Government as a Communist, there wasn't very much recruiting, because these restrictions were rather sharp.

Mr. TAVENNER. Would it be correct to say that you were very cautious in recruiting?

Mr. FUCHS. Yes, and there were long periods in which there would just be a ban on it, and no recruiting.

Mr. TAVENNER. When you say a "ban" do you mean from higher authority?

Mr. FUCHS. Yes, from higher authority, and sometimes even self-imposed by the group. If there had been some particular scare, or some scandalous talk, or accusations, we might stop all action.

Mr. TAVENNER. Might I ask you if this would be an example? Back in 1952 this committee heard testimony of a person formerly employed by the Federal Bureau of Investigation in Washington to work within the Communist Party. That was Mary Stalcup Markward. At that time she testified very fully regarding the activities of the Communist Party in the District of Columbia. Now, would the fact that she had so testified be likely to result in one of these periods when you would not attempt to recruit members in the party?

Mr. FUCHS. I should certainly think it would.

Mr. TAVENNER. Do you recall whether it actually did?

Mr. FUCHS. I wouldn't know anything about what happened in 1952.

Mr. TAVENNER. Her membership was during your period, but actually her testimony was in 1952.

Mr. FUCHS. I would have no idea what the effect of that was.

Mr. TAVENNER. After the procedure which you have just described, that is, when a person is notified that he would be received into the Communist Party, is any ceremony of any kind resorted to when that person is first brought to a Communist Party meeting?

Mr. FUCHS. Not in my experience.

Mr. TAVENNER. The individual just comes in and is made one of the group, and considered one of the group?

Mr. FUCHS. And he has been expected, you see, and perhaps until he actually arrives, he is not told all of whom he will meet, but he is told some of whom he will meet, and so he says, "Hello," and that is it.

Mr. TAVENNER. Is it as simple as that?

Mr. FUCHS. That is my experience, which is a very limited one numerically. I am not qualified as an expert in this subject, I can only talk about my own experience.

The CHAIRMAN. I think we will take a recess of 5 minutes at this point. The committee will stand in recess for 5 minutes.

(Thereupon a brief recess was taken.)

The CHAIRMAN. The committee will be in order.

Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Fuchs, you stated that a higher authority would have an opportunity to pass upon the eligibility of prospective members. Were you advised at any time whether the higher authority made any type of investigation of the individual before approving membership?

Mr. FUCHS. I just assumed that. That is the only possible assumption in the circumstances. I don't recall being advised.

Mr. TAVENNER. Do you know what type of investigation was conducted?

Mr. FUCHS. I don't know what type.

Mr. TAVENNER. At times was the report delayed a period of time so as to indicate that investigation was being conducted?

Mr. FUCHS. Yes indeed.

Mr. TAVENNER. You formed the nucleus of a cell within the employees of the NLRB composed originally of four persons—yourself, Allan Rosenberg, Martin Kurasch, and Joseph Robison. After the formation of that group, did you then begin the program of recruiting members?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Were persons brought into this group who were already members of the Communist Party, or were they freshly recruited into it?

Mr. FUCHS. Both, sir.

Mr. TAVENNER. What procedure was followed when a person was already a member of the Communist Party when employed by the NLRB, but who just wanted to pick up his membership, as distinguished from recruiting him freshly into the Communist Party?

Mr. FUCHS. Well, it would depend on where the initiative came from. Sometimes the initiative would come from the fact that somebody already in the group knew the newcomer and would recommend through channels that it be permissible to take him into the group.

Mr. TAVENNER. What do you mean "through channels"?

Mr. FUCHS. Well, through authority. That is, first asking the group, and then asking the higher authority.

Mr. MOULDER. What year was this? To what period of time are you now referring?

Mr. FUCHS. Mr. Tavenner is now asking me about the National Labor Relations Board group in my first period of service there, in the period from 1937 to 1942, Mr. Moulder.

Mr. TAVENNER. Were there occasions when directions came down from a higher authority to take so and so into the Communist Party as he was a good member at some other place?

Mr. FUCHS. Yes; it would initiate that way sometimes.

Mr. TAVENNER. It did sometimes?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. On other occasions was it initiated by your own group?

Mr. FUCHS. That is right.

Mr. TAVENNER. Will you tell the committee, please, about how many persons became members of the Communist Party group in NLRB, between 1937 and 1942, which was your first period of employment?

Mr. FUCHS. Additions beyond the four that we have discussed?

Mr. TAVENNER. Let us include the four.

Mr. FUCHS. I make it about 17.

Mr. TAVENNER. Does that mean 17 that you can recall, or were there other persons whose names you do not presently recall?

Mr. FUCHS. I think that is probably complete as to that period. I think it is pretty complete, as to that period.

Mr. TAVENNER. Will you give us the names, please? That is, the names of the persons you can recall who were members of this group of the Communist Party within the NLRB, between 1937 and 1942.

Mr. FUCHS. At some time during that period?

Mr. TAVENNER. Yes, at some time during that period. In giving us information as to those individuals, give us all of the facts you can of an identifying character, as to the type of employment at the Board, and any other Government employment the person may have had.

Mr. FUCHS. Lester Asher; he was an attorney at the Board in Washington and subsequently transferred to one of the field offices of the Board and I think ultimately left the Board and went into private practice. Mr. Asher was a member of our group for a very short time. He was recruited and he didn't stay.

Mr. TAVENNER. Did you recruit him?

Mr. FUCHS. As I recall, I participated in recruiting him.

Mr. MOULDER. What do you mean by "he didn't stay"?

Mr. FUCHS. He didn't stay in the Communist Party more than 2 or 3 meetings, Mr. Moulder. He just didn't like it.

Mr. MOULDER. Did he pay dues?

Mr. FUCHS. I guess he did for those 2 or 3 meetings, but he withdrew very promptly. He was not impressed.

Mr. TAVENNER. As far as you know, then, he withdrew from the Communist Party. Have you knowledge of any reaffiliation on his part?

Mr. FUCHS. I have no knowledge of it, and I should very much doubt that there was.

Mr. TAVENNER. Mr. Chairman, I think I should say that Mr. Asher has indicated a desire to cooperate completely with the committee, and expects to testify.

The CHAIRMAN. I know about Mr. Asher, and his activities on behalf of some legitimate labor union. I am thoroughly convinced that the man has never been a Communist, that he has been a good citizen, and he has done some very constructive work.

Mr. TAVENNER. What is the spelling of the name Asher?

Mr. FUCHS. A-s-h-e-r.

Mr. TAVENNER. Will you proceed, please?

Mr. FUCHS. David Rein, R-e-i-n.

Mr. TAVENNER. Was he recruited into your group, or was he already a member when he came to the NLRB?

Mr. FUCHS. I believe he was already a member, and he came into the group and I think our relations with him were interrupted by his war service, and it is really all I can say. I know at some point in that time he left the Government and went into private practice in Washington.

Mr. TAVENNER. Private practice of law?

Mr. FUCHS. Yes, sir.

The CHAIRMAN. Where?

Mr. FUCHS. In Washington, D. C.

The CHAIRMAN. Is he practicing law in Washington, D. C., now, and is he the David Rein I know?

Mr. FUCHS. Yes, sir.

The CHAIRMAN. He has appeared before this committee representing witnesses, hasn't he?

Mr. TAVENNER. Many times.

The CHAIRMAN. And was he a Communist?

Mr. FUCHS. Yes, sir.

Mr. SCHERER. Do you know whether or not he is a member of the Communist Party today?

Mr. FUCHS. No.

Mr. TAVENNER. Do you know where he was a member of the Communist Party before he came to the NLRB?

Mr. FUCHS. Not for certain; I think that he comes from New York, but I don't really know.

Mr. TAVENNER. Did you know him before he came to the NLRB?

Mr. FUCHS. No, sir; I did not.

Mr. TAVENNER. Proceed with the next one.

Mr. SCHERER. Do you remember whether any of the witnesses who appeared before our committee represented by this man Rein ever did anything except plead the fifth amendment?

Mr. TAVENNER. There is one possible exception, which I believe was not full compliance with what you have in mind. But there may be one case.

Mr. SCHERER. I know the gentleman, and I remember his representing many Communist witnesses before the committee. I do not know of any instance in my knowledge where they have done anything except invoke the fifth amendment.

Mr. TAVENNER. Did you ever hear a discussion or participate in any discussion among the Communist Party lawyers regarding the use of the fifth amendment? I am not speaking of it in conversations but am asking about it in Communist Party meetings.

Mr. FUCHS. I do recall early discussions of that, in which it was observed that the fifth amendment was an available obstacle to self-revelation, and that was away back in those days, and I don't remember what kind of conversation it was, but it is true that Communists were as early as that concerned with the question of how we could maintain our refusal to testify about communism.

Mr. TAVENNER. Were Communist Party members advised within the party that they should rely on the fifth amendment?

Mr. FUCHS. I don't know.

Mr. TAVENNER. I am not speaking of the relationship of attorney and client outside the Communist Party. I am talking about what happened within the Communist Party groups.

Mr. FUCHS. I don't know whether I can say that that was official doctrine of any kind. There was discussion to that effect, and we were told from time to time that the fifth amendment was available.

Mr. TAVENNER. Were you told that from a higher echelon of the Communist Party?

Mr. FUCHS. No, I wasn't, or we were not.

The CHAIRMAN. It certainly seems to me, Mr. Tavenner, in view of this testimony and other testimony, that has been adduced by this

committee, that we ought to recognize the fact that when certain lawyers appear before this committee with clients, the clients are going to invoke the fifth amendment on the advice of Communist lawyers. That being the fact, we should look into the advisability of promulgating an additional rule under which it would be required that a lawyer appearing before this committee file a simple little statement (1) to the effect that he is a member in good standing of the court of last resort in the State in which he practices and (2), that he is not a member of the Communist Party.

I am sure that that isn't going to work any great hardship, and that does not even go as far as some of the executive agencies in their requirements for practitioners before these agencies. We will look into that.

Mr. SCHERER. Often they are representing the interests of the Communist Party rather than the interests of their clients.

The CHAIRMAN. There is no doubt about it.

Mr. SCHERER. And sometimes they have been employed or paid by the Communist Party rather than by the client.

Mr. TAVENNER. Will you proceed?

Mr. FUCHS. Woodrow Sandler, S-a-n-d-l-e-r.

Mr. TAVENNER. What was the nature of his employment on the Board?

Mr. FUCHS. He was a lawyer.

Mr. TAVENNER. Did you know him prior to his employment?

Mr. FUCHS. No, sir.

Mr. TAVENNER. Do you know whether he has had any other Government employment?

Mr. FUCHS. No, sir.

Mr. TAVENNER. Proceed, please.

Mr. FUCHS. J. H. Krug, K-r-u-g.

Mr. TAVENNER. What was his first name?

Mr. FUCHS. Jacob.

Mr. TAVENNER. What type of employment did he have?

Mr. FUCHS. He was a lawyer.

Mr. TAVENNER. Did you know him prior to his coming to the NLRB?

Mr. FUCHS. No, sir.

Mr. TAVENNER. Is there any other information that you can give us in regard to him, or his activities as a member of the Communist Party?

Mr. FUCHS. No, sir. Shall I proceed?

Mr. TAVENNER. Yes.

Mr. FUCHS. Mortimer Riemer, R-i-e-m-e-r.

Mr. TAVENNER. M-o-r-t-i-m-e-r, is that the spelling of his first name?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Did you know him prior to his coming to the NLRB?

Mr. FUCHS. I believe that I knew who he was. I think that he was an employee, or executive secretary of the National Lawyers Guild prior to that time. I am not sure of my chronology, but I think that thereafter he came to the Board.

Mr. TAVENNER. I think that I should state for the committee that Mr. Mortimer Riemer has appeared before the staff, and has fully cooperated with the committee. He will be heard at a later time.

The CHAIRMAN. I think the thing to do is to hear him immediately after Mr. Fuchs' testimony. We will try to arrange our agenda.

Mr. TAVENNER. Very well, sir.

Will you proceed, please?

Mr. FUCHS. John W. Porter, and Margaret Bennett Porter.

Mr. TAVENNER. Were they husband and wife?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Was John W. Porter a lawyer within your group?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Was he a member of the Communist Party before he came to the NLRB, or was he freshly recruited?

Mr. FUCHS. I don't think that he was a member before that, and I think he was recruited.

Mr. TAVENNER. Do you know what Government employment he had had prior to this time?

Mr. FUCHS. I believe that he was in the Department of Justice, in the Antitrust Division.

Mr. TAVENNER. I should state to the committee that Mr. Porter in the past few years has been called as a witness in Los Angeles, and he refused to answer any material questions, relying upon the fifth amendment.

You mentioned his wife. What was his wife's name?

Mr. FUCHS. Margaret Bennett.

Mr. TAVENNER. What was the nature of her employment?

Mr. FUCHS. She was a lawyer.

Mr. TAVENNER. Do you know whether she was recruited at the time her husband was, or whether she was already a member of the Communist Party?

Mr. FUCHS. I think that her membership antedated his, I am pretty sure of that.

Mr. TAVENNER. Do you know when she transferred to NLRB from the Wheeler committee? Was it before or after you?

Mr. FUCHS. I believe it was after me.

Mr. TAVENNER. Do you know of any other Government employment of either of them?

Mr. FUCHS. Mrs. Porter had had Government employment before her employment by the Wheeler committee.

Mr. TAVENNER. What was that?

Mr. FUCHS. I am not sure I know. I think that it was in the Agriculture Department or in the three A's, I am not too sure. Mr. Porter subsequently had employment with the Regional War Labor Board.

Mr. TAVENNER. Will you proceed?

Mr. FUCHS. Ruth Weyand, W-e-y-a-n-d.

Mr. TAVENNER. Was she an attorney?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Was she freshly recruited or was she a member prior to joining this group?

Mr. FUCHS. I don't believe she was recruited, and I think the latter.

Mr. TAVENNER. Do you know of any other Government employment she has had?

Mr. FUCHS. I don't, sir.

Mr. TAVENNER. Do you know when she left the NLRB?

Mr. FUCHS. I don't know that.

Mr. TAVENNER. Proceed.

Mr. FUCHS. Allen Heald.

Mr. TAVENNER. Will you spell the last name?

Mr. FUCHS. H-e-a-l-d. I don't recall his recruitment and I don't know what subsequent Government employment he had, and I believe he went to the regional office of the Board before he left it.

Mr. TAVENNER. I should also state that Mr. Heald has been in touch with the staff of the committee, and will be heard later, and he is expected to cooperate with the committee.

The CHAIRMAN. It certainly is refreshing to find that there are people who have the courage to do what Professor Fuchs is doing now, and what these other people have indicated they will do. Certainly it seems to me that these people are indicating to the scoffers that this was a serious thing, and that the American people are determined now to put the bright light of publicity on it; do something about it and prevent the same thing from happening here that has happened in many places in the world. I am certainly glad that these people are cooperating.

More and more I think this Burdett disclosure had a very salutary effect on people who hesitated. It was largely because he didn't lose his employment.

In that regard, I do not think the American University did a service to the work of this committee by putting Professor Fuchs in the position that he is now in. I think it is a very reprehensible thing to dismiss a man who has done what he has done, and who has made the great contribution he has made toward carrying out the work that the Congress has imposed upon this committee.

Mr. TAVENNER. Will you continue, please?

Mr. FUCHS. Harry Cooper, C-o-o-p-e-r. He was a lawyer. I don't know whether he had any other Government employment. He left the Board during my first tour of duty.

Mr. TAVENNER. Do you know whether he was a member of the Communist Party when he came to the Board?

Mr. FUCHS. I would like to answer that by saying that I don't recall his recruitment.

Mr. TAVENNER. Proceed, please.

Mr. FUCHS. Frank Donner, D-o-n-n-e-r. He was a lawyer. I don't know whether he had any other Government employment. He left the Board, I believe, to accept employment at the CIO office.

Mr. TAVENNER. When he was working at the CIO office, do you know whether his supervisor was Lee Pressman or if he worked in the office of Lee Pressman, general counsel of the CIO at that time?

Mr. FUCHS. He did work, I believe, in the office of Mr. Pressman, and I think also he worked there a substantial period of time after Mr. Pressman left, but I think he started out with Mr. Pressman.

Mr. TAVENNER. Then subsequently his services were terminated by the CIO?

Mr. FUCHS. That is right, sir.

Mr. TAVENNER. Proceed, please.

Mr. FUCHS. Edward Scheunemann, S-c-h-e-u-n-e-m-a-n-n.

Mr. TAVENNER. Do you recall whether he was recruited?

Mr. FUCHS. Well, I thought that I recruited him.

Mr. TAVENNER. By stating it that way, do you mean that you heard he had been a member prior to that time, but you thought that he was a freshly recruited member?

Mr. FUCHS. That is right. I did in fact ask him to join, and he did join.

Mr. TAVENNER. What Government employment had he other than the NLRB?

Mr. FUCHS. The only other Government employment that I know of that he had was in the Office of Price Administration in Denver.

Mr. TAVENNER. Are there any others?

Mr. FUCHS. There was Bert Diamond. I don't recall his recruitment. I don't recall any other Government employment on his part. He was a lawyer.

Mr. TAVENNER. That makes 17. Are there any others that you can recall?

Mr. FUCHS. That exhausts my recollection of the members of my group during the first period.

Mr. TAVENNER. If the names of any other persons come to your mind who were members of this group, will you advise the staff?

Mr. FUCHS. Yes.

Mr. TAVENNER. Will you tell us please whether all of these 17 lawyers worked within one group or how they were dispersed in employment?

Mr. FUCHS. Well, you know, calling a man a lawyer didn't really peg his job at the NLRB in those days. There were a number of different assignments to which lawyers were assigned.

The CHAIRMAN. Do you mean members of the bar?

Mr. FUCHS. I mean members of the bar, sir.

The CHAIRMAN. Most of these Government lawyers are members of the bar.

Mr. TAVENNER. I think that this would be a very good place for you to give the committee briefly, an idea of the organizational setup of the NLRB at that time.

Mr. FUCHS. It is going to be rather difficult at this time, but I will try it.

Mr. TAVENNER. I realize that.

Mr. FUCHS. The Board had two functions, as I recall. There was the settlement of representation questions, that was one, and the prevention of unfair labor practices of employers was another. The Board was organized in a decentralized way, and it had regional offices around the country, and in each of the regions, hearings would be scheduled in cases involving questions concerning representation on the one hand, or alleged unfair labor practices on the other. These hearings were held before a staff of trial examiners so-called, and later known as hearing examiners, I think. Some of the cases could also be heard before ordinary regional staff members, but the point was that these cases had to reach the decisional level in some way. In the cases involving unfair labor practices the trial examiner made a recommended decision in the form of his report, which was then sent to the Board for decision in Washington.

The parties were given an opportunity to except to the report and to request oral argument before the Board, and ultimately the case would be in the Board's lap for decision.

That meant the transcript of testimony was assigned to a so-called review attorney for analysis and report. The review attorneys were a stable of attorneys under an Assistant General Counsel. Originally that General Counsel was Witt, and thereafter Emerson, and thereafter a whole succession of people, and I was the last one. So one legal staff of the Board was the review staff.

Mr. TAVENNER. Were you in the Review Section?

Mr. FUCHS. I was in the Review Section for the entire duration of my employment by the Board, except after the Review Section was abolished.

Mr. TAVENNER. Then you became Solicitor of the Board?

Mr. FUCHS. That is right.

Mr. TAVENNER. Was that during the period of your second employment?

Mr. FUCHS. Yes, sir; that is right.

Mr. TAVENNER. Did you become supervisor of this review section?

Mr. FUCHS. I did, sir. I first was a review attorney and later I became one of several supervisors, and it was from the supervisors job that I left the Board in 1942. I should also say to you that there was an entirely separate staff, and perhaps even two more staffs of lawyers employed by the Board. One of them was called the Appellate Briefing Section, and its function was to support the Board's decision before appellate courts, either on petitions by the Board for enforcement or on petitions by an aggrieved party for review. These were brief writers, litigation lawyers, and there were also field attorneys—attorneys assigned to field offices.

The Washington legal staff was basically divided between review, and appellate briefing, with miscellaneous lawyers also in the Secretary's Office and at a later date the Office of the Director of the Field Division. That was something that was an outgrowth of the Secretary's Office.

Mr. TAVENNER. I ask you to allocate these 17 lawyers you mentioned to the various positions, or various types of employment. That is, we want to know whether they were concentrated in one review section, or another, or dispersed over the entire area you have described.

Mr. FUCHS. What you have said just now brings to mind a policy that I recall now that existed—a hiring policy. That was to the effect that the Review Section would be the section into which most hiring would be done, and then employees showing talents in one direction or another would be assigned to other jobs, but the Review Section was like incoming labor in the legal field. That just occurred to me at this moment. Would you like me to take these people in the order discussed and put a tag on each of them? Is that the best way to do it?

Mr. TAVENNER. Yes; but before doing that, will you tell us whether there was more than 1 reviewing section, or would there have been more than 1 group to which these recruits were first assigned?

Mr. FUCHS. Yes.

Mr. TAVENNER. How many?

Mr. FUCHS. That varied all of the way from 4 to as much as 12 supervisors, and each supervisor was a kind of a suboperating group, within the Review Section.

Mr. TAVENNER. You mean there would be as many as 12 at one time?

Mr. FUCHS. Well, maybe 12 is high, but I am sure that it went as high as 9 or 10.

Mr. TAVENNER. How many lawyers did one supervisor have under him?

Mr. FUCHS. This was also an accordion proposition, and it would be from as few as 4 to as many as 12 or 15, and sometimes when the actual employment of review attorneys became astronomical, people would just be assigned under supervisors and would not have very much reality. When a fellow was ready to report a case and his supervisor was tied up, the Assistant General Counsel would transfer him into another section.

Mr. TAVENNER. Normally, what would be the size of the combined staff of those lawyers assigned to the Review Section in Washington?

Mr. FUCHS. I think if you will check, you will find that it ranged all of the way from 25 in lean years, to over 115 in years of maximum employment. Bear in mind one of the things the Board had was appropriation troubles, and when it ran into appropriation troubles, it accumulated a backlog, and when it had a backlog, that was ultimately broken by hiring an awful lot of people.

Mr. TAVENNER. So that out of this group, which varied between 25 and 115, there were 17 who were members of the Communist Party?

Mr. FUCHS. Except for this: Accuracy requires me to say that some of those people were never in the Review Section.

Mr. TAVENNER. Will that be disclosed by your testimony?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. However, most of them were in it at one time or another? Will you proceed?

Mr. FUCHS. Allan Rosenberg was in the Review Section before my time, and also worked for the Secretary at some time, and I think also went into appellate briefing at one time—I am not absolutely sure of that.

The CHAIRMAN. To what extent did Witt participate in the selection of this personnel?

Mr. FUCHS. I think this: I am not sure of it, but I think that as long as he was Assistant General Counsel in charge of the Review Section, he participated very heavily, but shortly after my arrival at the Board, he became Secretary and at that point I think that his successor did the hiring, and I am not able to say to what extent he was influenced by Witt.

Mr. WILLIS. Who was his successor?

Mr. FUCHS. Thomas Emerson.

Mr. TAVENNER. Since his name has been mentioned, I should ask you the question: Do you have any knowledge of whether or not he was a member of the Communist Party?

Mr. FUCHS. No; and I also feel impelled to say that I don't believe he ever was one.

Mr. TAVENNER. I should make it plain, too, that by asking that question, I was not indicating that we had information to that effect. Proceed.

Mr. FUCHS. Martin Kurasch was a review attorney, and worked in the Secretary's Office.

Joseph Robison was a review attorney, and later became a briefing attorney.

Lester Asher was a review attorney for a brief period and later, I think, went to a regional office and served as an attorney in the regional office.

David Rein was at some time a review attorney, and I don't know what other jobs he may have had.

Woodrow Sandler, I believe, was a review attorney and later a briber.

Jacob Krug was a review attorney.

Mortimer Riemer, it seems to me, was never a review attorney. I think that he was a trial examiner.

John W. Porter was never a review attorney at the Board. Mrs. Porter, his wife, was.

Miss Ruth Weyand was not.

Allen Heald was not.

Mr. TAVENNER. To what branch was Miss Weyand assigned?

Mr. FUCHS. Miss Weyand and Mr. Heald were briefing attorneys when I knew them, and I think that Mr. Heald had some regional experience before coming to Washington. When I knew them, they were in Appellate Litigation, and their jobs were to defend the Board's orders in courts of appeals, straight advocacy job.

Mr. TAVENNER. Isn't it true that Miss Weyand argued all of the cases involving the decisions of your Board which went to the Supreme Court of the United States including the NRA case and others?

Mr. FUCHS. I do believe there was a period of time when she extensively argued in the High Court. I don't know more than that.

Anyway, I think she was not a review attorney, nor was Mr. Heald.

Mr. SCHERER. Where is Miss Weyand now?

Mr. FUCHS. I understand she is in Washington.

Mr. SCHERER. Is she a practicing lawyer, or still in Government service?

Mr. FUCHS. I am pretty sure she is not in Government service, and I don't know what she is doing actually, Mr. Scherer.

Mr. SCHERER. When was your last contact with her?

Mr. FUCHS. I haven't seen her in a number of years. I got a phone call from her about a year ago when she either inquired about some point of law, or offered to send me a copy of some article she had written, and that is the best of my recollection.

Mr. SCHERER. Was she still a member of the Communist Party at the time you left the party?

Mr. FUCHS. Yes, sir; I think that is right.

The CHAIRMAN. Has she been subpoenaed?

Mr. TAVENNER. Yes, sir.

Mr. SCHERER. Did she indicate that she is going to cooperate?

The CHAIRMAN. We do not know.

Mr. SCHERER. Did you say she is a practicing lawyer?

Mr. FUCHS. I don't know; I think she has been a practicing lawyer.

Mr. SCHERER. Do you know how long she remained in Government service?

Mr. FUCHS. I don't know that either, sir.

Mr. SCHERER. Did she have Government service other than with the NLRB?

Mr. FUCHS. I don't think she did.

The CHAIRMAN. Proceed.

Mr. FUCHS. Harry Cooper was a review attorney.

Frank Donner, to my best recollection was not a review attorney, but a briefing attorney.

Edward Scheunemann was a review attorney.

Bert Diamond was a review attorney and became a briefing attorney.

Mr. TAVENNER. Were these review attorneys confined to any one group of the Review Section, or were they dispersed through various review groups?

Mr. FUCHS. They were dispersed, but I don't want to give the impression that these subgroups in the Review Section were administrative groups. They were not. In those days, if you were a member of the Review Section, you worked for the Assistant General Counsel; you were assigned individual cases under individual supervisors, and then later, I think, there was a tendency to stratify that, but I don't know when.

Mr. MOULDER. I suggest that inasmuch as the 17 persons have been named and identified as members of the Communist Party, that more elaborate and definite testimony could be presented as to the activities of this particular group, which led you to the conclusion that they were Communists. Also what you did as Communists, and so on.

The CHAIRMAN. I think that that is a good suggestion.

Mr. TAVENNER. Were you the head of this group in the Communist Party?

Mr. FUCHS. Yes, sir; I was.

Mr. TAVENNER. How frequently did you meet?

Mr. FUCHS. I think that we aimed at fortnightly meetings; sometimes achieved them, and sometimes failed to achieve them.

Mr. TAVENNER. What was your position in this group? You stated you were the head of it. Did you have a title?

Mr. FUCHS. "Leader" I think we called me.

Mr. TAVENNER. How were the dues paid, and to whom?

Mr. FUCHS. This all goes back pretty far. I should suppose they were paid to me or to someone else in the group, then turned over to me, and by me to my contact above.

Mr. TAVENNER. Who was the contact above you at that time?

Mr. FUCHS. From the beginning of the organization of this group at the National Labor Relations Board until a time before the end of the group, it was Victor Perlo, P-e-r-l-o.

Mr. TAVENNER. So you remitted the dues collected to Victor Perlo?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Do you know who succeeded Victor Perlo as a contact with this group?

Mr. FUCHS. Yes; it was Arthur Stein again.

Mr. TAVENNER. So that the responsibility for this group was transferred from Arthur Stein to Victor Perlo, and from Victor Perlo back to Arthur Stein?

Mr. FUCHS. Yes; I think that is right, except it might be said that Arthur Stein didn't have it in the first instance, that is, he never took it for the group.

Mr. TAVENNER. However, you received your directions from Arthur Stein?

Mr. FUCHS. Yes, and I was introduced by him to Perlo.

Mr. TAVENNER. Do you know who the educational director was of the group?

Mr. FUCHS. No, sir; I am not sure that we made that office. We may well have done so, but I don't recall.

Mr. TAVENNER. What was the nature of the meetings held?

Mr. FUCHS. We would discuss Communist Party issues, the line in relation to what was going on in the world and what was going on in Washington, and the like. We would pay dues, and I am not sure but what in the early days we discussed problems of how we should comport ourselves in the union at the NLRB, and there was one——

Mr. MOULDER. May I ask this question? Did your group ever discuss in those meetings, any of the policies, functions, or duties of the official positions which you held with the Government?

Mr. FUCHS. I think we did, Mr. Moulder; what we discussed were the good solutions and the bad solutions of things, but I don't want to give the impression that we were extralegal in this respect. That is to say, we told ourselves, and were told that to be good Communists at the National Labor Relations Board the better job we did for the Board and for the Government, that was it. That was the best thing, and to do a good trustworthy job was a good Communist job in that area. Now, I know that this doesn't correspond to present-day notions of the Communist Party and it does not correspond to my present day notions of the Party, but that is the way it was.

Mr. MOULDER. Were the meetings regular meetings, and if so, where were they held?

Mr. FUCHS. We attempted to have a meeting every couple of weeks, and I think later we cut it back to every month, and they were held in the homes of members. That group, I think I said, was limited to lawyers employed by the NLRB.

The CHAIRMAN. Was it ever indicated that the best thing for the benefit of the Communist Party was to decide cases in such a manner as to cause dissatisfaction and a class consciousness?

Mr. FUCHS. I don't think that we thought that way, Mr. Walter. I think that we thought we were doing a patriotic duty by participating in the enforcement of the Wagner Act, and we were zealous in belief that it was a good thing. I guess it was a good thing within limits, and we were imbued with that.

The CHAIRMAN. Not imbued were you to the extent that you would distort the plainly expressed intent of Congress in order to get a Communist slant to your decision?

Mr. FUCHS. I like to think we were not doing that, but I don't think that I am the one to ask. I think that becomes a question of an objective reappraisal of what was done. I don't want to be immodest about it.

Mr. TAVENNER. In other words, it would be pretty hard to overlook the ideological bias that a dedicated Communist would have in administering the duties of positions of that kind?

Mr. FUCHS. Yes; I think that is exactly right, and that is perhaps why I hesitated to respond more directly to the chairman's question. I would like to point something else out too that is probably true, and that is that although I believe the Communist Party to be motivated by ulterior designs, there were times when it would take positions which are in fact parallel to positions that non-Communists conscientiously took. So that the chairman's question is all the more

difficult for me to answer from a vantage point of more than 10 years later. I would just like to be let off on that one.

The CHAIRMAN. The committee will stand in recess at this point until 2 o'clock.

(Thereupon, at 12:25 p. m., the hearing was recessed, to reconvene at 2 p. m., the same day, Tuesday, December 13, 1955.)

AFTERNOON SESSION—DECEMBER 13, 1955

(The hearing reconvened at 2 p. m., Chairman Walter presiding. Present at the convening of the afternoon session were Representatives Walter, Moulder, Willis, and Scherer.)

The CHAIRMAN. The committee will be in order.

Will you proceed Mr. Tavenner?

TESTIMONY OF HERBERT FUCHS—Resumed

Mr. TAVENNER. If I understood you correctly, Mr. Fuchs, at the meetings of the NLRB cell of the Communist Party, you discussed the procedures in which its various members were engaged in their work for the NLRB?

Mr. FUCHS. I think so; yes, sir.

Mr. TAVENNER. Is it also true, that from time to time the members of that cell discussed the decisions of the Board?

Mr. FUCHS. Yes; that is true.

Mr. TAVENNER. Was the purpose of that to determine whether those procedures as well as the decisions of the Board were in accordance with what your particular group felt that they should be?

Mr. FUCHS. I guess so; yes.

Mr. TAVENNER. At the time that you were the leader of the NLRB group of the Communist Party, did you continue to attend the section meetings which you described were held while you were the leader of the Senate Wheeler committee group?

Mr. FUCHS. No, sir.

Mr. TAVENNER. Do you know whether any other member of your group attended those section meetings?

Mr. FUCHS. I believe that none did.

Mr. TAVENNER. Do you know whether those section meetings continued to be held?

Mr. FUCHS. I am pretty sure that they continued to be held.

Mr. TAVENNER. Can you give us any reason for your group of the NLRB not being represented at those section meetings?

Mr. FUCHS. It will have to be my reconstruction of what happened, but I believe that the object of not having us represented was twofold: First, it was because of security, and perhaps that was the more important reason. The second reason was that if I recall correctly, all of the groups whose leaders met in that way were groups whose principal activity was activity in trade unions, and at the National Labor Relations Board, although there was a union, it could not be part of any affiliated union. So there was no functional reason for our continued connection.

Mr. TAVENNER. In other words, the problems were not common problems?

Mr. FUCHS. That is right.

Mr. TAVENNER. As far as secrecy is concerned, which you thought may possibly be the major reason, isn't it true all of the Government cells were secret in the sense that their membership and even their existence was not supposed to be known by rank and file members of the Communist Party generally?

Mr. FUCHS. That is true.

Mr. TAVENNER. But with the NLRB, you have a supersecret cell, in the sense that employees in the Government did not even know who the members were of the NLRB cell?

Mr. FUCHS. That is true, sir, but you can put it another way, too, and perhaps the other way adds up to the same thing. The argument might be made that exposure should be kept to a minimum consistent with functioning. Now, if a number of these groups were going to function in a union, they would have to have some integration. If our group was not going to, there is no reason why we ought to be integrated and exposed. I think that is the way it is.

Mr. TAVENNER. When did you terminate your employment with the NLRB?

Mr. FUCHS. Actually in 1942.

Mr. TAVENNER. What month?

Mr. FUCHS. It was during the late summer of 1942, as I recall, and then for about a month I worked at the Board of Economic Warfare.

Mr. TAVENNER. Why was your employment terminated?

Mr. FUCHS. It was voluntary on my part.

Mr. TAVENNER. It was voluntary?

Mr. FUCHS. Yes. It was out of a sense that the work of the Board was of less importance during this preparation for war period, or I guess we were already in the war. It was a desire to get into something that was more directly and vitally connected with the war effort.

Mr. TAVENNER. Was that suggestion made to you from any Communist Party source, that you change your employment to something of greater importance during that general period?

Mr. FUCHS. No; it was not. There was a general restlessness among the employees of the Board, characterized also by many who were not Communists to get into something that was closer to the civilian firing line.

Mr. TAVENNER. Is that what motivated you to make a change?

Mr. FUCHS. That is right.

Mr. TAVENNER. What change did you make?

Mr. FUCHS. I got a job with the Division of Reconstruction and Reoccupation at the Board of Economic Warfare.

Mr. WILLIS. Before we come to his next employment, I would like to ask permission of the Chair to place in the record an editorial which appeared in the Saturday Evening Post on December 10, 1955, giving very cogent reasons why, as stated by the chairman of our committee, the press, other media of information, and the public in general should stand by people such as the witness who is now testifying. I read it a few minutes ago and I left my glasses at the hotel, but I wonder if someone would read it?

Mr. TAVENNER. The editorial from the December 10, 1955, issue of the Saturday Evening Post reads as follows: It is entitled, "Why No Fuss When a Helpful Ex-Red Professor Is Fired?"

Prof. Herbert Fuchs, ex-Communist, has lost his job. In this respect his experience differs from that of Winston Burdett, commentator for the Columbia Broadcasting System.

Burdett testified publicly before the Senate Internal Security Subcommittee last June, telling of his experiences when he had been a Communist Party member, and naming some former comrades. The subcommittee praised his moral courage, and urged CBS to stand by him. CBS did so. It declared he had been a loyal and honest citizen since his break with the Reds, and it kept him on its staff.

At about the same time, Herbert Fuchs—not to be confused with Klaus Fuchs, the Red purloiner of our atomic secrets—a professor of law at American University in Washington, testified in closed session before the House Committee on Un-American Activities. He told of his experiences when he had been a Communist Party member, but at first refused to name any others. On July 10 the university president announced that the university would stand by Fuchs: "He is known in our Washington College of Law as an intelligent, loyal, and devoted teacher. He made a serious mistake in the past, which he has recognized and declared. The American University therefore would support his right as a citizen to pursue his chosen professional activities."

Meanwhile the House committee and some of Fuchs' colleagues were urging him to testify more freely. He did so on July 16 naming many of his former comrades. Next day, he says, the university required him to take a leave of absence. He has not been allowed to teach since then. The trustees decided not to renew his contract when it expires next June.

What had happened to change the university's attitude? No explanation was offered. The public was not told whether the Fuchs case differed in any essential way from that of Burdett. Fuchs, when a Communist, was employed by the Government, Burdett by a newspaper and two radio organizations. Fuchs' testimony had not been released by the House committee at the time he lost his job. Burdett testified that, as an obedient Communist, he committed espionage in several foreign countries for the Soviet Government.

Congressman Gordon H. Scherer, a member of the committee, said the ousting of Fuchs "will be a serious blow to future investigations." Many university teachers who have refused to cooperate with congressional committees have been retained in their jobs. For example, as Congressman Scherer pointed out, Harvard has retained Prof. Wendell H. Furry, who admitted he was an ex-Communist, but refused to name his comrades. "Furry was one of the most contemptuous witnesses I ever saw but Harvard kept him on," said the Congressman. Fuchs, who testified freely, now loses his post. "The contrasting action in these two cases would appear to inform future witnesses before the committee that cooperation will lose them their jobs, while contemptuous conduct will insure their continued employment."

If there is any significant fact that would explain the dropping of Fuchs, it should be made public. For otherwise the impression will be created that it is dangerous for a professor and for many other witnesses to testify candidly about their Communist activities, and that it is safer for ex-Communists to refuse to help their Government against the conspiracy than to come clean.

There are several hundred thousand former members of the Communist Party. A great many of these are still friendly to the Communist Party. Only a relatively few ex-Communists have ever told their stories to congressional committees or even in secret to the FBI. However, many others are privately anti-Communist, but publicly keep their mouths shut. They do not want to be smeared, as cooperative ex-Communist witnesses always are, or to lose their jobs, or to suffer in their businesses or professions. Naturally the Communist Party is pleased by any action that discourages repentant ex-Communists from helping the United States.

Mr. SCHERER. Mr. Chairman, a number of newspapers throughout the United States have written similar editorials. I do not have all of them with me, but I would like to ask leave to insert in the record at this point, an editorial from the Cincinnati Enquirer.

The CHAIRMAN. I might add that I wrote a letter to the American University the moment I heard, or as soon as there was any intimation at all that Professor Fuchs was to be suspended. I do not think that I have even received a reply to my letter, which I would like to incorporate in the record at this point.

So without objection, the editorial mentioned by Mr. Scherer and the letter I wrote to the university will be made a part of the record at this point, and identified as "Fuchs Exhibits Nos. 1 and 2."

FUCHS EXHIBIT No. 1

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, September 16, 1955.

HON. HURST R. ANDERSON,
President, The American University,
Washington 16, D. C.

DEAR MR. ANDERSON: I was disappointed to learn of the action taken by American University with respect to Prof. Herbert Fuchs.

If repentant Communists are to be punished because of their cooperation with committees of Congress charged with the responsibility of exposing the Communist conspiracy, these committees will not be able to get the kind of help that is so vital, if the committees are to carry out their functions.

I respectfully request that you take another look at this matter in order to determine whether or not the recent action was in the best interest of the United States.

Thanking you, I am,
Sincerely yours,

FRANCIS E. WALTER,
Chairman, Committee on Un-American Activities.

FUCHS EXHIBIT No. 2

[The Cincinnati Enquirer, Sept. 29, 1955]

THE FUCHS CASE

A onetime solicitor for the National Labor Relations Board, i. e., the board's chief prosecuting officer, by name Herbert Fuchs, testified some time back that he had belonged to three Communist cells in the Government. Mr. Fuchs, who broke with the party in 1948, according to his testimony, named names, dates, and places before the House Un-American Activities Committee.

A good many Americans, including Representative Gordon L. Scherer (Republican, Ohio), a committee member, believe that Mr. Fuchs performed a laudable and valuable service to his country.

Mr. Fuchs is a law teacher at American University in Washington, has been since 1949. That university's president, Hurst R. Anderson, encouraged Mr. Fuchs to come clean with the committee. Now Dr. Anderson insists upon firing Fuchs, who does not have the privilege of tenure. There is no intimation that the lawyer is less competent or desirable as a law professor than when President Anderson counseled him to testify fully.

The American Civil Liberties Union, Mr. Scherer, and others, including the Washington Post and Times Herald, deplore President Anderson's decision on varying grounds.

As it happens, American University is affiliated with the Methodist Church. Bishop G. Bromley Oxnam administers the Washington area of his church. The bishop has had a great deal to say about the disabilities suffered by witnesses before congressional committees inquiring into Communist activities. It seems unlikely that he will view the penalty visited upon witness Fuchs with approval.

Mr. SCHERER. While we are on this subject, Mr. Chairman, may I ask a few questions in an effort to clarify what happened?

Professor, when was the first time that you testified before the committee?

Mr. FUCHS. I testified for the first time in executive session on June 13 of this year, before a subcommittee composed of Mr. Doyle, chairman, and Mr. Willis and Mr. Velde.

Mr. SCHERER. What date?

Mr. FUCHS. That was Monday, June 13, 1955.

Mr. SCHERER. At your first appearance before the committee, on June 13, I understand that you admitted your membership in the Communist Party, but refused to tell the committee about other individuals whom you knew in Government to be members of the Communist Party, and their activities; is that right?

Mr. FUCHS. That is true.

Mr. SCHERER. Then it was after your refusal to tell the committee about these other individuals that President Anderson, of American University, issued this highly laudatory statement about you? That is, it was issued following your refusal to testify; isn't that right?

Mr. FUCHS. Yes; that is so.

Mr. SCHERER. Part of it was read by Mr. Tavenner as it appeared in the editorial in the Saturday Evening Post. The actual statement made by the president of the university, after the professor had refused to testify about his associates, reads in part as follows:

Professor Fuchs is known in our Washington College of Law as an intelligent loyal, and devoted teacher. He made a serious mistake in the past which he has recognized and declared. The American University therefore would support his right as a citizen to pursue his chosen professional activities, to take any other position at this time would be beneath the dignity of the institution with a Christian relationship and commitments.

Now then, subsequent to your first appearance before the committee, and subsequent to this statement by President Anderson, you again appeared before the committee in executive session, did you not?

Mr. FUCHS. That is right, sir.

Mr. SCHERER. And what was the date of that appearance?

Mr. FUCHS. July 15, 1955.

Mr. SCHERER. And at that appearance before the committee, you told of the activities of others in Government who were also members of the Communist Party at the time that you were, did you not?

Mr. FUCHS. Yes, sir.

Mr. SCHERER. You named names, did you not?

Mr. FUCHS. Yes, sir.

Mr. SCHERER. In substance, your testimony in that executive session was such as you are giving here today?

Mr. FUCHS. Yes, sir; that is right.

Mr. SCHERER. Immediately after it was revealed through the press that you had testified fully and completely, I believe you were called, by the president of the university to his office; were you not?

Mr. FUCHS. I was called by the president to his office on the same day.

Mr. SCHERER. On the same day?

Mr. FUCHS. Yes.

Mr. SCHERER. At that time were you asked to apply for leave of absence or you would be suspended?

Mr. FUCHS. Yes, that is right.

Mr. SCHERER. Were you given any kind of a hearing by the university after your testimony before this committee?

Mr. FUCHS. I was given an interview before the chairman of the board and the president on the day on which they asked me to take the leave of absence.

Mr. SCHERER. Who is the chairman of the board?

Mr. FUCHS. Mr. R. V. Fletcher.

Mr. SCHERER. They interviewed you?

Mr. FUCHS. Yes; and that interview resulted in their insistence on a leave of absence.

Mr. SCHERER. Did you tell them on that day that you had testified fully and freely before the committee earlier that day?

Mr. FUCHS. Yes; I think they knew the same thing from Chairman Walter.

The CHAIRMAN. Actually didn't they suggest to you that you ought to testify?

Mr. FUCHS. Oh, yes. The president urged me to.

Mr. SCHERER. And subsequently, I understand, you were suspended or your contract is not to be renewed?

Mr. FUCHS. That is correct.

Mr. SCHERER. Mr. Chairman, it seems to me that they praised this witness and said that they would keep him on at the institution immediately after he had refused to testify, when they perhaps should have condemned him, and then after he does cooperate with the congressional committee they fire him. I am at a loss to understand that action on the part of the university.

I understand from a reliable source that the president in asking the board of trustees to fire the professor made three points. No. 1, the university did not know whether he was still a Communist, although in his original statement after he had testified initially the president said:

The question raised in the Mr. Herbert Fuchs case was: "Was he a party member or worker when employed by American University, and is he now a member of the party, or in any way related to the Communist Party when employed by this university, or since has he been a member or worker in the Communist Party?"

Well, that is certainly inconsistent with the president's statement to the board at the time he asked the board to suspend Professor Fuchs. I would say that the university didn't take the trouble to inquire of this committee as to what his testimony was, or whether Mr. Fuchs was a member of the Communist Party.

The CHAIRMAN. You are mistaken there, because I told the president myself that he was not.

Mr. SCHERER. You told him he was not? Then it makes it so much the worse. I didn't know that. Then they still gave as one of the grounds for asking for his dismissal that they didn't know at the time whether he was still a member of the Communist Party.

The second reason they gave for recommending his dismissal was that the college had no idea what the professor had told the committee. There was a third reason, about which I am not so sure.

Let me ask you, Professor, is Bishop Oxnham a member of the board?

Mr. FUCHS. Yes, sir.

Mr. SCHERER. Is it a Methodist college?

Mr. FUCHS. It is affiliated with the Methodist Church.

Mr. SCHERER. Is he the bishop of the Methodist Church in Washington?

Mr. FUCHS. Yes, sir.

Mr. SCHERER. I have no further questions.

Mr. TAVENNER. I have not asked you the question yet, but I think that I should now.

Are you now a member of the Communist Party?

Mr. FUCHS. Thank you, Mr. Tavenner. No; I am not.

Mr. TAVENNER. When did you terminate your membership in the Communist Party?

Mr. FUCHS. I have not been a member of the Communist Party since about the middle of 1946.

Mr. TAVENNER. I will want to ask you more about that at a later time.

The CHAIRMAN. There has never been any question about that cut-off date. You were not a member of the Communist Party when you went on the faculty of American University?

Mr. FUCHS. That is correct, sir.

Mr. TAVENNER. Were you still employed by the NLRB at the time that you terminated your membership in the Communist Party?

Mr. FUCHS. Yes.

Mr. TAVENNER. Let us return to your employment by the Board of Economic Warfare.

What contact did you make within the Board of Economic Warfare as a means for procuring appointment?

Mr. FUCHS. Allan Rosenberg who was then working there, and I guess knew I was anxious to get away from the Labor Board, called me up and said, "Come on over, I think that perhaps I can get you a job."

Mr. TAVENNER. And did he get you a job?

Mr. FUCHS. I got a job; yes, sir.

Mr. TAVENNER. And you went to work there?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. What was the general nature of your employment with the BEW?

Mr. FUCHS. It was very rudimentary research for a project which at that time didn't have any immediately foreseeable future, as to how were we going to govern territory that we regained from the enemy. We were at war and we at that point were losing the war and this was a long-range project about reoccupation of territory.

Mr. TAVENNER. Was it the planning of military government in reoccupied countries?

Mr. FUCHS. Yes; that is right. It was one of several outfits that was interested in that area. I think ultimately it lost out.

Mr. TAVENNER. How long did you remain with the Board of Economic Warfare?

Mr. FUCHS. I was there only a month.

Mr. TAVENNER. Why did you leave?

Mr. FUCHS. Because I learned that I might get a job in my own field, which was labor, in an agency that was a war agency, namely, the National War Labor Board.

Mr. TAVENNER. During the period that you were in the Board of Economic Warfare, did you learn whether or not there was an organized group of the Communist Party within that organization?

Mr. FUCHS. No, sir; I did not.

(At this point, Chairman Walter left the hearing room.)

Mr. TAVENNER. Did you retain your membership in your old group in the NLRB during that month's period?

Mr. FUCHS. There is no question in my mind but what I retained my membership in the Communist Party. I do not recall whether I continued to meet with that group or just stopped meeting with it as it were, temporarily.

Mr. TAVENNER. Did Allan Rosenberg in offering you this chance of employment in the Board of Economic Warfare, know at that time that you were a member of the Communist Party?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Were you ever in a group or cell of the Communist Party at any later time with Allan Rosenberg?

Mr. FUCHS. No.

Mr. TAVENNER. When you say you saw an opportunity to become employed in the field of labor, what did you do?

Mr. FUCHS. I made application for employment or I sounded out some people who were not Communists, but who had worked at the National Labor Relations Board and were now employed at the National War Labor Board. They told me that there was a freeze, and that the National War Labor Board would not continue to hire employees away from the National Labor Relations Board. I then pointed out to them that I had already left the National Labor Relations Board, and they said, "Well, in that case there is no freeze applicable to you, and it may be that you can be employed." Whereupon, they referred me to an executive of the National War Labor Board who did employ me.

Mr. TAVENNER. Was your first employment in the city of Washington?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. How long did you remain there?

Mr. FUCHS. I calculate that I remained in Washington from around Thanksgiving Day of 1942 until January 26 of the following year. It was just about 2 months.

Mr. TAVENNER. Were you aware of the existence of an organized group of the Communist Party within the National War Labor Board in Washington?

Mr. FUCHS. No, sir.

Mr. TAVENNER. During that 2-month period, what were your Communist affiliations?

Mr. FUCHS. They either were continuing with the Labor Board crowd, or else they were suspended animation, and I rather think that by that time I had stopped going to meetings, and I just had no affiliations.

Mr. TAVENNER. I understand that at the end of that 2-month period, you were transferred to Denver?

Mr. FUCHS. That is correct.

Mr. TAVENNER. How did that come about?

Mr. FUCHS. The National War Labor Board had resolved to embark upon a program of decentralization, and the establishment of regional offices. Up to that time it just had the Washington office. There was considerable scramble for posts in the regional offices, in which I did not participate. But there was also a promotion in my shop, which I was not going to get, with a consequence that when Mr. Charles Graham approached me—

Mr. TAVENNER. What position did he hold?

Mr. FUCHS. He was the projected chairman of the Denver regional board. When he approached me with a proposition that I might be interested in being the Disputes Director in Denver, I discussed it for a considerable time with my wife and family and decided that that was an opportunity I would accept.

Mr. TAVENNER. Do you know whether Phil Reno, whose name you mentioned earlier as having been a representative from the Social Security Board on the section group of the Communist Party in the District of Columbia, played any part in your recommendation for employment in Denver?

Mr. FUCHS. I don't know that he played any part, but certainly it isn't unlikely that he played a part. He was friendly with Mr. Graham, and I believe he was in Colorado when this staffing was underway.

Mr. TAVENNER. Did you accept this assignment in Denver?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Was that in the days of the formation of the staff of the National War Labor Board in Denver?

Mr. FUCHS. Yes, I think so. There had been a rudimentary office staff at the close of 1942. I think it consisted solely of a wage stabilization group. The actual organization of the Board as a Board I believe was perfected in February. That means that I arrived in Denver just a few days before the regional board constituted itself, and I was hired in connection with the staff of the regional board.

Mr. TAVENNER. What was your position on the staff?

Mr. FUCHS. Director of the Disputes Division.

Mr. TAVENNER. When you arrived in Denver, did you learn of the presence there of other persons who had been associated with you in the Communist Party in Washington?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Tell us about that.

Mr. FUCHS. Well, when I arrived, Reno and Scheunemann were already in Denver and within a few days of my arrival, Kurasch arrived. Some time later the Porters came to Denver, he taking a post with the Board.

Mr. MOULDER. Did you say the head of the Denver office approached you about this appointment as director?

Mr. FUCHS. Yes, sir.

Mr. MOULDER. What was his name?

Mr. FUCHS. Mr. Charles A. Graham.

Mr. MOULDER. Do you know whether or not he had any knowledge or information as to your leadership or membership in the Communist Party at that time?

Mr. FUCHS. No, I do not know.

Mr. TAVENNER. Have you any knowledge of Communist Party membership or affiliation on his part?

Mr. FUCHS. No, I want very emphatically to say that I do not.

Mr. SCHERER. Of course we have no such information, and we don't pretend to have.

Mr. TAVENNER. That is correct.

Was, Martin Kurasch one of those who had assisted you in the organization of the Communist cell at the NLRB in 1937?

Mr. FUCHS. He and I had done it; yes, sir.

Mr. TAVENNER. What position did Kurasch hold with the National War Labor Board in Denver?

Mr. FUCHS. He came on to be regional attorney.

Mr. TAVENNER. Had he discussed the assignment with you, or you with him prior to your meeting him in Denver?

Mr. FUCHS. No. I recall the circumstances which helps me to be certain. He was not in Washington when this thing happened. He was somewhere else, and I think he was in St. Louis, and now it occurs to me that Martin Kuraseh put in some time with the Rural Electrification Administration. I believe he was stationed in St. Louis. In any event he and I arrived at Denver from different parts of the United States.

Mr. TAVENNER. You stated another present at Denver with whom you had worked in the Communist Party was Edward Scheunemann?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Was he with the WLB in Denver or some other Government agency?

Mr. FUCHS. No, he was physically in Denver but working for OPA.

Mr. TAVENNER. You stated John W. Porter arrived from what place?

Mr. FUCHS. I think the west coast, and I don't remember exactly how early in the history of the Denver Board he arrived.

Mr. TAVENNER. By whom was he employed?

Mr. FUCHS. I think he became an attorney in the office of the regional attorney.

Mr. TAVENNER. Did his wife come with him?

Mr. FUCHS. Yes.

Mr. TAVENNER. That is Margaret Bennett Porter, whom you said was an attorney with the NLRB?

Mr. FUCHS. She had been.

Mr. TAVENNER. And a member of your Communist Party cell?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Was she employed by the War Labor Board in Denver?

Mr. FUCHS. No, sir.

Mr. TAVENNER. Was she employed by the Government in Denver?

Mr. FUCHS. I believe she was not employed at all in Denver.

Mr. TAVENNER. Have you said Phil Reno was one of those you found present in Denver when you arrived?

Mr. FUCHS. Yes.

Mr. TAVENNER. How was he employed?

Mr. FUCHS. I think he was then already an employee of the regional office.

Mr. TAVENNER. Of the National War Labor Board?

Mr. FUCHS. Yes.

Mr. TAVENNER. So you found in Denver many of this same group with which you had worked before in the Communist Party. On ascertaining that these people were present, what did you do?

Mr. FUCHS. We coalesced into a group.

Mr. TAVENNER. In a Communist Party group or cell?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Composed chiefly of employees of the National War Labor Board?

Mr. FUCHS. That is right. I should say that it was composed or the community of interest was employment with the National War Labor Board, but it was organized to include spouses of employees who happened to be Communists.

Mr. TAVENNER. Was the wife of Martin Kuraseh a member of that group affiliated with the Communist Party?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. What was her name?

Mr. FUCHS. Lillian.

Mr. TAVENNER. Was the wife of Edward Scheunemann a member of your group?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. What was her name?

Mr. FUCHS. Cecelia.

Mr. TAVENNER. Do you know how Cecelia Scheunemann was employed?

Mr. FUCHS. She came to be the secretary to the Chairman of the Board.

Mr. TAVENNER. Of the National War Labor Board?

Mr. FUCHS. Yes.

Mr. TAVENNER. Do you know from what part of the country she came before arriving in Denver?

Mr. FUCHS. No; I am not sure, and I don't know where she came to Denver from. She had at one time been the secretary to one of the National Labor Relations Board members.

Mr. TAVENNER. Do you know in what area that was?

Mr. FUCHS. That was in Washington. It was rather early in my employment by the Board.

Mr. TAVENNER. Do you know whether she was recruited into the Communist Party in Denver, or whether she had been a member prior to her arriving there?

Mr. FUCHS. I believe she was recruited in Denver.

Mr. TAVENNER. When you formed this group of the Communist Party in Denver, did you have a higher authority to which you had to report?

Mr. FUCHS. The best of my recollection of that is that Phil Reno was our contact with higher authority, and to the best of my recollection the constitution of higher authority in Denver was that it was the local party office.

Mr. TAVENNER. Then I understand you to say it was Phil Reno who was in contact with that authority?

Mr. FUCHS. Yes.

Mr. TAVENNER. Were you at any time in contact with that authority?

Mr. FUCHS. No, sir.

Mr. TAVENNER. Did the superior authority in Denver appear before your group at any time?

Mr. FUCHS. My embarrassment in answering that is that I have been assured that it did, and I don't have a clear independent recollection of it.

Mr. TAVENNER. Don't testify to something on which you are not clear in your own mind.

Mr. FUCHS. I just don't recall.

Mr. TAVENNER. Do you recall whether functionaries on a higher level of the Communist Party did appear before your group from time to time?

Mr. FUCHS. I recall, it would not be from time to time in any periodic sense, but I recall one instance in which somebody relatively high did appear before our group. I think that it was on the occasion of the attack on the American Communist Party by Mr. Duclous,

and I think it was around that time where there was one of the changes in line.

Mr. TAVENNER. Are you talking about the issue that arose from the Duclos letter?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Do you remember who that functionary was?

Mr. FUCHS. It was a lady, and I think her name was Betty Gan-nett.

Mr. TAVENNER. How many persons composed that group of the Communist Party?

Mr. FUCHS. Well, the number varied, and I think of 12 people, in addition to Phil Reno who have been members of it, and I don't know that they were all members at the same time.

Mr. TAVENNER. How many of the 12 were employees of the War Labor Board?

Mr. FUCHS. I think, just about seven.

Mr. TAVENNER. How many employees were there in the National War Labor Board in Denver at the time of the membership of these seven people?

Mr. FUCHS. I don't think that I could even make an intelligent guess.

Mr. TAVENNER. Was there more than one organized group of the Communist Party within the staff of the National War Labor Board in Denver?

Mr. FUCHS. Yes; there were two.

Mr. TAVENNER. Two cells?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Did you ever attend a meeting of the other cell?

Mr. FUCHS. No, sir.

Mr. TAVENNER. Was there more than one cell organized within the National Labor Relations Board during your first employment, from October 1937 to 1942?

Mr. FUCHS. Yes; there were two that I know of.

Mr. TAVENNER. Going back for a moment to your National Labor Relations Board experience, did you attend the meetings of the second cell?

Mr. FUCHS. No.

Mr. TAVENNER. Do you know to what higher authority that second cell was required to report?

Mr. FUCHS. Well I actually don't. I could speculate but I don't think that I should. I don't know.

Mr. TAVENNER. Coming back to this group of old associates you found in Denver, didn't you think it more than just passingly strange that you should find yourself in this new employment surrounded by so many persons who had been active in the Communist Party with you before that time?

Mr. FUCHS. It wasn't strange under the circumstances. It would follow, I suppose, that if people who were living or working in Denver thought well of one, they would recommend one, and so it didn't seem strange, no. There were not so many either initially. There were about four that I had been working with, plus Mr. Reno.

Mr. TAVENNER. Were you responsible in any way for recommending any of the Communist Party members for employment in Denver?

Mr. FUCHS. Recommending them for employment?

Mr. TAVENNER. Yes, for encouraging them to seek employment there.

Mr. FUCHS. I don't think so.

Mr. TAVENNER. Did Phil Reno to your knowledge?

Mr. FUCHS. Well, I don't know. If he did, you see, he did it in Denver, and it resulted in invitations, but I don't know.

Mr. TAVENNER. After your arrival in Denver, did Phil Reno take an active part in staffing the board?

Mr. FUCHS. I think that he made a number of recommendations.

Mr. WILLIS. Is there any question about that in your mind that he did?

Mr. TAVENNER. No; not at all.

Mr. WILLIS. Not in mine either from what we developed in Denver.

Mr. TAVENNER. That is based on testimony which has not been made public.

Will you tell us at this point the names of the other persons who became members of your group in Denver in addition to the original nucleus from which you started?

Mr. FUCHS. Gerald Matchett, G-e-r-a-l-d M-a-t-c-h-e-t-t, and his wife Margaret.

Mr. TAVENNER. What was Gerald Matchett's position?

Mr. FUCHS. He was an economist and I think he achieved the post of Wage Stabilization Director.

Mr. TAVENNER. I believe he achieved the post of the head of the Economics Division. Do you know whether he was a member of the Communist Party before coming to Denver or was he recruited there for the first time?

Mr. FUCHS. No; I do not know.

Mr. TAVENNER. Was his wife an employee of the War Labor Board?

Mr. FUCHS. No, sir.

Mr. TAVENNER. Will you proceed, please?

Mr. FUCHS. Raymond LaVallee, L-a V-a-l-l-e-e, and his wife, Corina, C-o-r-i-n-a.

Mr. TAVENNER. How was Raymond LaVallee employed?

Mr. FUCHS. He was an economist.

Mr. TAVENNER. At the WLB?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. In Denver?

Mr. FUCHS. Yes, sir. He may technically have been on the staff of the Nonferrous Metals Commission which was housed in the same place and had the same chairman, but actually I think most of those people served both agencies.

Mr. TAVENNER. Was he a new recruit into the Communist Party while there, or was his membership picked up?

Mr. FUCHS. I don't know, and with respect to both the Matchetts and the LaVallees, I don't recall their recruitment. There may be an inference from that that they were members before I met them.

Mr. TAVENNER. Were you acquainted with a person by the name of Robert W. Williams?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Was he a member of your group of the Communist Party?

Mr. FUCHS. He was not.

Mr. TAVENNER. Will you proceed, please?

Mr. FUCHS. Dwight Spencer, and Mary Spencer, his wife.

Mr. TAVENNER. How was Mr. Spencer employed?

Mr. FUCHS. He may have started as an economist but he came into the Disputes Division as a disputes officer, that is to say, in my Division, and I believe he ended or he was the last disputes director the Board had. That is my recollection. He went up the line then.

Mr. TAVENNER. Was he freshly recruited in the Communist Party at Denver?

Mr. FUCHS. I don't know of his recruitment.

Mr. TAVENNER. Are there others?

Mr. FUCHS. Yes. Don Plumb, P-l-u-m-b, and his wife, Arlyne, A-r-l-y-n-e.

Mr. MOULDER. May I interpose a question? Why is the wife mentioned? None of the wives was employed?

Mr. FUCHS. Curiously, I just came to the family in which the wife was employed at the agency and the husband was not, as in the case of the Plumbs; she worked at the agency, and he was a physician.

Mr. MOULDER. Were the other wives you mentioned employed?

Mr. FUCHS. In all of the other cases, it seems to me, or in most of the other cases, the husband was employed at the agency, and the wife was unemployed. An exception is the Scheunemanns, where Mrs. Scheunemann was employed at the agency and her husband at OPA.

Mr. TAVENNER. I think you testified earlier that in contrast to the situation in Washington, the wives belonged with their husbands in this group in Denver?

Mr. FUCHS. That is right.

Mr. TAVENNER. How was Arlyne Plumb employed?

Mr. FUCHS. She was a wage analyst.

Mr. TAVENNER. Were you acquainted with a person by the name of Glen Earle?

Mr. FUCHS. Yes.

Mr. TAVENNER. Was he a member of your group?

Mr. FUCHS. No, sir.

Mr. TAVENNER. Do you know the names of any of the members of the second group?

Mr. FUCHS. No. I don't want to speculate.

Mr. TAVENNER. That is all right.

Was the activity of the Communist cells in Denver rather open in the sense that their existence in the National War Labor Board was notorious?

Mr. FUCHS. I don't know—I really don't. I certainly didn't want it to be notorious, and how notorious it was I can't tell you.

Mr. TAVENNER. Do you recall whether the Daily Worker was distributed among the staff on their desks in their offices?

Mr. FUCHS. This did not occur. I didn't observe it occurring and I have heard this kind of story. I can neither affirm or deny it and it didn't happen in my presence.

Mr. TAVENNER. Do you recall that during the time you were in Denver a complaint was made to the Director of the Board of the existence of Communist cells and Communist activity within the staff?

Mr. FUCHS. I knew about a complaint that had been made to Mr. Graham, the subject of which was communism, yes.

Mr. TAVENNER. Did that occur before your arrival or after your arrival?

Mr. FUCHS. I am not right sure. I know it wasn't settled until after my arrival because I was in Denver when the Chairman of the new Board and his two Vice Chairmen heard and considered the matter. I think it originated, or the complaint originated before my arrival.

Mr. TAVENNER. Do you recall the nature of the complaint that was made?

Mr. FUCHS. Yes, and I would be glad to tell you about it, but I don't think I want to go into names in this connection because it is pure hearsay.

Someone complained that an effort had been made to recruit him into the Communist Party, and he apparently didn't want to be recruited into the Communist Party and he also thought that there was a wrong involved.

Mr. TAVENNER. Was it a complaint made by this one individual that there had been an effort to recruit him into the Communist Party?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Do you recall whether the complaint also was that there had been discrimination against him both as to his salary, and as to his work assignment because he had not joined the Communist Party?

Mr. FUCHS. No; I don't recall that.

Mr. TAVENNER. Do you recall whether the complaint also included the delivery and distribution of the Daily Worker?

Mr. FUCHS. No; I don't. You see the complaint didn't actually come to me, and I just knew about it and I don't recall any of the details.

Mr. TAVENNER. Do you know whether there was an investigation based on charges or complaints?

Mr. FUCHS. Yes; based on a complaint.

Mr. TAVENNER. Did anything happen as a result of the investigation?

Mr. FUCHS. As far as I know, there were no dismissals.

Mr. TAVENNER. Were you promoted during the course of your employment at Denver to a higher position than you had first occupied?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. What was that position?

Mr. FUCHS. In August of 1944, I was promoted to the position of vice chairman and public member of the regional board, and vice chairman and public member of the Nonferrous Metals Commission.

Mr. TAVENNER. As head of the Disputes Division, and also as vice chairman of the Nonferrous Metals Commission, were you required to deal rather closely with different trade unions?

Mr. FUCHS. Yes.

Mr. TAVENNER. In the performance of your duties, what union would you say required most of your attention?

Mr. FUCHS. That is an almost impossible question for me to answer. The two agencies had slightly different clientele. The regional board was purely geographic and it involved I think, six Mountain States.

We had all kinds of little business and medium-sized business as our customers in the regional board. Actually the bulk of our business was the city of Denver, because we would catch business right near where our office was. In there, I would suppose that some of the AFL craft unions and the like, were probably our most active labor customers. On the other hand, when you turn to the Nonferrous Metals Commission, its jurisdiction being the 13 Western States, we would handle labor disputes between employers and essentially one important CIO union, which was the International Union of Mine, Mill, and Smelter Workers, and then there would also be in very many of these places craft groups of importance and interest.

Mr. TAVENNER. Was Nathan Witt counsel for the Mine, Mill, and Smelter Workers Union?

Mr. FUCHS. I think he was but I am not sure. I think as a matter of fact they had a general counsel called Willard Morris, and I think Witt became or had some business with them, but there were others, too.

Mr. TAVENNER. Did Nathan Witt personally conduct any business before you?

Mr. FUCHS. Not to my recollection at any time in Denver. I think it might be well to say that this promotion to public membership was not something that could be achieved without at least the consent of the industry and labor interests, on the regional board.

Mr. TAVENNER. The consent of what groups?

Mr. FUCHS. The respective partisan groups, industry and labor. These were tripartite boards and while staff was pretty much up to the chairman to hire, membership on the board could not be achieved without the consent of the interest groups.

Mr. TAVENNER. Will you tell us please whether or not this group of the Communist Party organized principally within the staff of the National War Labor Board functioned in about the same manner as your cell within the NLRB, as to its work, what it considered in its meetings, and as to what it did?

Mr. FUCHS. That is my recollection; yes.

Mr. TAVENNER. How long did you remain with the National War Labor Board?

Mr. FUCHS. Until its separation. It expired the end of the calendar year 1945. In anticipation of its separation, I exercised reemployment rights with the National Labor Relations Board in Washington, with a consequence that I drove back East with my family around the middle of December.

Mr. TAVENNER. You again became employed with the NLRB?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. In what position were you employed by the NLRB?

Mr. FUCHS. I came back to a position of supervisor in the Review Section. By this time the Review Section had gotten itself further organized with a consequence that there was a kind of head supervisor for representation cases, and a head supervisor for complaint cases, and I filled that spot, head supervisor for representation cases.

Mr. TAVENNER. How long was your second employment by the NLRB?

Mr. FUCHS. Until October of 1948.

Mr. TAVENNER. When you came back to the NLRB in 1946, did you find a cell of the Communist Party still functioning?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Was it the same cell which you had left as far as you could tell?

Mr. FUCHS. I think of it as the same cell, because some of the same people were still around and still in it.

Mr. TAVENNER. Were there some new people in it?

Mr. FUCHS. Yes.

Mr. TAVENNER. Did you reaffiliate with it?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. How did you happen to reaffiliate or in other words, what were the mechanics for your reaffiliation?

Mr. FUCHS. I am not sure there were any mechanics. I don't know. I think perhaps what happened was that I simply found some of the same people and proceeded to start meeting with them.

Mr. TAVENNER. What was your first contact with the group? That is, do you recall with whom?

Mr. FUCHS. No, I don't remember. I think that in that period—we are now reaching the period where my membership in the Communist Party is rapidly growing to a close. This was early 1946. I do know that I did return to some fragmentary contact with the group, and I am not sure I met more than twice with it, and I am pretty vague on the details of that period. It is the most recent but it is the vaguest, but that is the way it is.

Mr. TAVENNER. Will you give us the names at this time of those who still remained in that group of your earlier cell, and any new members of it?

Mr. FUCHS. I am pretty sure that Frank Donner and David Rein and Ruth Weyand were still around and were still meeting. I think of two new people with whom I had not met before. Selma Rein——

Mr. TAVENNER. Was she employed by the NLRB?

Mr. FUCHS. I think not. I am pretty sure Selma Rein was not and Helen Hill, H-i-l-l, who was employed by the NLRB.

Mr. TAVENNER. In what capacity was she employed?

Mr. FUCHS. I think she was a statistician.

Mr. TAVENNER. Was she known by any other name?

Mr. FUCHS. Her maiden name was Roark, and her husband's name was Himmelfarb. Her name is Helen Roark, and she married a Mr. Himmelfarb, and they changed their names to Hill.

Mr. TAVENNER. Will you give the spelling of Himmelfarb?

Mr. FUCHS. H-i-m-m-e-l-f-a-r-b.

Mr. TAVENNER. What was her participation in the Communist Party activities?

Mr. FUCHS. You know, I really can't tell you. I know that I met her at a meeting. As to the extent of her participation or what this group was doing in that year, I just don't know.

Mr. TAVENNER. Did you meet in Communist Party meetings with her?

Mr. FUCHS. At least one; yes.

Mr. TAVENNER. Was it at a closed Communist Party meeting?

Mr. FUCHS. Yes.

Mr. TAVENNER. Were there others?

Mr. FUCHS. I don't think of any others.

Mr. TAVENNER. If in reflecting on this matter the names of other persons are recalled by you to the point where you are definitely certain of their membership, would you advise the staff?

Mr. FUCHS. Yes, sir.

Mr. MOULDER. The committee will stand in recess for a period of 5 minutes.

(A short recess was taken.)

Mr. MOULDER. The committee will be in order.

It has been necessary for Mr. Walter to leave the hearing at this point, and he has designated a subcommittee consisting of myself as chairman, and Mr. Willis and Mr. Scherer. All of the members of the subcommittee are present, and we will proceed.

Mr. TAVENNER. During the time of your first experience in the NLRB, that is from 1937 through 1942, did your contact, Victor Perlo, ever attend any of your Communist Party meetings?

Mr. FUCHS. Yes, he did; but not at first. At first he didn't come into the group at all. I would meet with the group and then with him and be the bridge between him and the group.

Mr. TAVENNER. The committee's investigation reflects that from time to time during this period that I mentioned, when certain problems arose which your Communist Party group was unable to resolve, that on occasions you would say you had to consult "Mike" and on other occasions "the chief." Were "Mike" and "the chief" higher authorities within the NLRB?

Mr. FUCHS. No; Mike was Perlo; and the chief was Perlo. The consultation was simply with constituted authority in the party.

Mr. TAVENNER. By referring to "Mike" and "the chief" you meant Perlo?

Mr. FUCHS. That is right. I intended Perlo. His name was not known to the group, and his identity was not known to the group. Then after awhile, the group as I recall it, chafed with impatience at being kept so very much under wraps, and wanted to engage in some of the more usual mass organization type of activity. I became the go-between, between the group and Perlo, carrying these protests to him, and his negative resolution of the protests back, until finally I told him that I couldn't satisfy them. As a matter of fact, I tended to agree with them, and so he then agreed to meet with the group and did on a number of occasions. He also failed to persuade us, and as a consequence of his failure to persuade us he gave up ultimately, and we were returned to contact with Stein.

Mr. TAVENNER. Let us have a little clearer understanding of what that issue was. After you were first assigned the job of organizing this cell within the NLRB, what Communist Party direction were you given regarding the way in which the members should conduct themselves? I want to go back to the origin of this problem.

Mr. FUCHS. My present recollection of that is that we were told to be extremely inconspicuous in respect of our political beliefs, and inactive in organizations, and we were to stay out of them.

Mr. TAVENNER. You were to stay out of mass organizations?

Mr. FUCHS. Yes. I think an exception was always made for the local union on the theory that everybody ought to belong to a union if there was one.

Mr. TAVENNER. Then a person could be a member of a union and not arouse any suspicion?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. But you were told to keep out of mass organizations?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. By mass organizations do you mean the ordinary front organizations as they are generally referred to?

Mr. FUCHS. Yes, and it would also include organizations that were not front organizations.

Mr. TAVENNER. But any organization in which your participation would arouse suspicion that you were a member of the Communist Party would be the type of an organization that you were told to keep away from?

Mr. FUCHS. That is right.

Mr. TAVENNER. Why was it that the Communist Party felt it necessary to advise this group of people to stay out of mass organizations? What reason did it give you?

Mr. FUCHS. Again the reasons seem too obvious that I am not sure they gave it. But the reason I recall it was to avoid exposure. That could be the only reason.

Mr. TAVENNER. The reason is quite obvious. But it occurred to me that some language which would be of importance may have been used in discussing that matter with you.

Mr. FUCHS. I don't remember any.

Mr. TAVENNER. For instance, were you told that this group of people, with their philosophical training, were too valuable to the Communist Party to jeopardize their disclosure?

Mr. FUCHS. I suppose that would be what would be meant by "we desire to avoid exposure."

Mr. TAVENNER. Aside from your own desire individually as members of this group, wasn't it the Communist Party view—that you people, all of you lawyers, and trained individuals, many of you coming into this group of the Communist Party with prior Communist Party experience and training—that you were too valuable to run any risk of exposure?

Mr. FUCHS. I think that is right.

Mr. TAVENNER. Isn't that a fair statement?

Mr. FUCHS. Yes.

Mr. MOULDER. You mean too valuable to the Communist Party philosophy and its functions. Is that what you mean by "too valuable"?

Mr. FUCHS. I would put it slightly differently, and I don't think it adds up to a difference. I think that the Communist Party felt that the job we were doing on our job was more valuable to the party than any amount of mass organization activity we could engage in. It didn't think that it wanted to jeopardize our jobs at the Board for whatever value might be in what we would do in a union or a club. I think that that is it.

Mr. TAVENNER. Do you not think it would also follow that the Communist Party did not want to jeopardize your possible usefulness to it in the future by having you exposed?

Mr. FUCHS. I don't know, I just don't know.

Mr. TAVENNER. When did you first become acquainted with Victor Perlo?

Mr. FUCHS. I became acquainted with him around the time I went to the NLRB. I was told that I ought to break my contact with the Stein group and meet individually with a man who would be introduced to me and who was introduced to me as "Mike." It was not

very long, really, before his real name was made known to me. There was no tremendous effort to keep that from me, and pretty soon I knew it. As I say, after the passage of a period, and I can't even estimate the length of it—I know it was during that first period—he came to the group still as “Mike” and it appeared that some of the members of the group had known him, knew him as a human being with a name, and others didn't. Ultimately, as I say, he departed.

Mr. TAVENNER. Can you tell us who in the group knew Victor Perlo as a name or as an individual?

Mr. FUCHS. No; I can't.

Mr. TAVENNER. Do you know whether Allan Rosenberg did?

Mr. FUCHS. I don't know, sir.

Mr. TAVENNER. Was Victor Perlo the one who gave the direction that you were not to join mass organizations?

Mr. FUCHS. Yes.

Mr. TAVENNER. You have already indicated that the membership of your group chafed under that directive and it was a constant source of dispute and disagreement?

Mr. FUCHS. That is right.

Mr. TAVENNER. What position did he take when he appeared before your group to discuss that issue?

Mr. FUCHS. My recollection is that he simply reiterated the position that we had already discussed. Many of the members felt that their lives as bookworms—on the books of the job, to the exclusion of a more social kind of activity, were sterile, and they objected. This was a continuing thing, and I don't recall any particular expansion of the argument.

Mr. TAVENNER. As a result did you join a mass organization yourself?

Mr. FUCHS. Actually so; yes, sir.

Mr. TAVENNER. Several of them?

Mr. FUCHS. Yes, sir. You see, none of these things was absolutely recognized one way or the other. I recall that even though there was this interdiction against activity, some of us were unquestionably members of the lawyers guild, but it was after we won that argument that some of us became members of the Washington Committee for Democratic Action.

Mr. TAVENNER. How many of these lawyers who were members of the Communist Party became members of the National Lawyers Guild?

Mr. FUCHS. May I be permitted to guess? Because I don't know.

Mr. SCHERER. He can give us an opinion.

Mr. TAVENNER. Let me put the question a little differently. Were they encouraged as a result of your meetings to become members of the National Lawyers Guild?

Mr. FUCHS. Yes, I think they probably all did, that was going to be my guess.

Mr. TAVENNER. Have I asked you about Robert J. Silberstein?

Mr. FUCHS. I think that you did, and I think that I said I don't recall him.

Mr. TAVENNER. He was the national secretary of that organization.

The committee's investigation has shown that there was published in a December 1940 issue of the Washington Star Newspaper an advertisement regarding a mass meeting of the Washington Committee for

Democratic Action, which was to be held in Washington for the purpose of condemning the Government loyalty program. This advertisement announced that a committee had been appointed on that matter, and that the committee consisted, among others, of these persons: Arthur Stein, Helen Miller, Edward Scheunemann, Eleanor Nelson, and yourself. Do you recall serving on such a committee?

Mr. FUCHS. I recall a meeting held in a hotel, at which there was a forum discussion, which I participated in. Yes, that is right. And the date also corresponds to my recollection.

Mr. TAVENNER. Was the Washington Committee for Democratic Action one of the mass organizations in which you did become interested and take an active part?

Mr. FUCHS. Yes.

Mr. TAVENNER. Was not one of the purposes of that meeting to launch a movement for the protection of members of the Communist Party who had been employed by and then expelled from Government employment?

Mr. FUCHS. I don't know if I can answer that. I should suppose that objectively the answer should be "yes." That is to say, the activities of the group centered on protection of people or the attempt to protect people who had been discharged for communism.

Mr. TAVENNER. And also to protect members of the Communist Party from dismissal who were employed by the Government?

Mr. FUCHS. Yes; that is correct. I suppose that the committee would not have been averse to protecting someone who had not been a member of the Communist Party.

Mr. TAVENNER. Do you recall whether Helen Miller, one of the members of that committee, had been discharged from the Labor Department?

Mr. FUCHS. Yes. I don't know whether she had been discharged before this meeting. I know she was, and that she became, a famous case.

Mr. TAVENNER. Was the committee organized for the purpose of restoring her job to her?

Mr. FUCHS. There was such an activity, and I don't know whether that was directly related to the Washington committee or not. There was a notorious Helen Miller case in which a great deal of effort was devoted to getting her reinstated.

Mr. TAVENNER. Was the Edward Scheunemann who was active in that organization the same Edward Scheunemann who was with you in your Communist Party cell at the NLRB?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Were there any other members of your cell at the NLRB who were active in this organization?

Mr. FUCHS. I don't recall offhand, and I imagine there were.

Mr. TAVENNER. Let me ask you about Frank Donner. Do you recall whether he was active in that?

Mr. FUCHS. I know he was interested in the organization, and sympathetic toward it, but I don't remember what he did.

Mr. TAVENNER. You are aware of the fact now, are you not, that this organization was cited by the Attorney General in 1947, and again in 1948, as subversive and Communist?

Mr. FUCHS. Yes.

Mr. TAVENNER. Mr. Fuchs, the committee has heard many witnesses who have had Government employment at some time in the past. A great many of those who testified were required at one time or another to file Government form 57 or some other form of statement of their history, in which a question was asked as to whether or not they had been a member of the Communist Party. Almost without exception those witnesses answered those questions by stating that they were not members of the Communist Party, although at the time they were either members or had been members. Did that occur in your case?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Were you interviewed at one time or another by members of the NLRB and asked questions which would call for your statement that you were or had been a member of the Communist Party, and you did not tell them that you had been a member?

Mr. FUCHS. That is right.

Mr. TAVENNER. That has been of such frequent occurrence that I think I should ask you the question: How does the Communist Party explain the action of its members which is as I say, almost a universal rule, when seeking Government employment, to deceive the Government about their Communist Party membership?

Mr. FUCHS. I certainly don't propose to tell you how the Communist Party explains it, because I don't know how it explains it and I am not a spokesman for it. I can tell you what happened in my case, if you want me to.

Mr. MOULDER. I can't hear you, Professor.

Mr. FUCHS. I said I couldn't answer for the Communist Party in explaining what it does.

Mr. TAVENNER. What I had in mind more than anything else was how the Communist Party could reconcile denial of Communist Party membership with the sanction of an oath by its members, or whether it attempts to reconcile it.

Mr. FUCHS. I can't reconcile it and I can't condone it on my own part. I think I can explain what my feelings were when I did it. I don't know whether that would be characteristic or not.

Mr. TAVENNER. I am not so much interested in the matter as it applies to you as I am in the overall picture of it. What might be true in the case of one individual might be different with another. But it is the overall picture in which I am interested. In a matter of that kind, it must have been discussed in party councils. Every means of security have been thrown by the Communist Party around its members in Government. Do you agree to that?

Mr. FUCHS. They try to, yes, sir.

Mr. TAVENNER. It must certainly have anticipated that every employee would have to answer the questions on form 57. Was it just taken for granted that the members who were applicants for employment by the Government would just falsify that form or were they told to falsify it or how was the matter considered in Communist Party councils?

Mr. FUCHS. The scope of the question is bigger than I am. I cannot answer it for the party. I can tell you what happened to me and what may have happened to some of the people around me without wanting to excuse it or condone it. I think that I know what happened. But I can't speak for the Communist Party on this question. I just

can't. I could say to you very glibly that it was a part of the Communist doctrine that the ends justify the means, and that if your substantive purposes were good then any means you resorted to, to accomplish them were thereby sanctified. You are familiar with that. I think it is a very misguided notion, and it was one of the central theses of Communists. I think maybe there is a shorthand explanation of it, if you would like.

There were also aspects of the thing, the way it developed, that made us feel, or made me feel a little bit sore at being confronted with prohibitions where theretofore I hadn't been. I had come into the Government lawfully, and I had been a Communist, and I had not disclosed it but I hadn't been asked. It was not unlawful for me to be a Communist in the first few years of my employment. It later became increasingly unlawful. I don't excuse what I did when I say to you that there was an element of resentment or an element that "they can't do that to me," and I am in this job and I have a right to it, and now they are just making it illegal. I just hope that no member of the committee will construe any of this as justification—it isn't. I don't mean it as justification.

Mr. MOULDER. Was it your reasoning at that time?

Mr. FUCHS. Yes, sir, and when I think back, what do I really regret about all of this? What shames me?

It appears to me that the only thing that I was impelled to do that I can't stand behind is this deceit, this deceitfulness of which Mr. Tavenner has been talking. It was not good; it was bad. It troubles me very much.

Mr. TAVENNER. The point I make is that the Communist Party functionaries knew that a person could not get Government employment without doing that very thing.

Mr. FUCHS. Retrospectively, Mr. Tavenner, it seems to me that there is an advantage to the Communists and this is the trap of communism in their own illegality, because as they are a conspiracy and secret, then every member is involved in a kind of trap, potentially a blackmail trap or perhaps only a trap with respect to his sentimental desire not to involve other people in trouble. As soon as he has engaged in one or more violations of the law, he is in a hostage to this conspiracy to which he perhaps altruistically lent himself in the first instance. But I don't know if it is worth anything to the committee to hear these speculations and perhaps I should drop them.

Mr. MOULDER. I think it is an explanation of your conduct, because as I understand you, you did not consider yourself involved in a conspiracy at that time.

Mr. FUCHS. Only to this extent, Mr. Moulder, that if a group denies its existence and lies about its identity, it is a conspiracy then.

Mr. MOULDER. Was it a philosophy, or did you feel yourself a member of a conspiracy to overthrow the Government by force and violence?

Mr. FUCHS. No, sir, that isn't the conspiracy I meant.

Mr. MOULDER. Or to commit any act of disloyalty to the country?

Mr. FUCHS. No, you are making the distinction that I meant to make. I think not only of myself but all of the people I worked with as Communists and I don't think any of us ever willingly were disloyal to the United States, or would willingly bring any injury to our country.

Mr. SCHERER. Eventually you got out of the Communist Party because you found that the objectives of the party were to do just those things that you say you did not do.

Mr. FUCHS. That is right, Mr. Scherer. I think everybody gets out at a different time and everyone thinks his time was the right one, and the right one came for me when the United States and Russia were at the parting of the ways, and began to separate. Up to that time I had had no problem of loyalty. It just so happens I hadn't had. During the war period the Communist Party line and American policy were almost exactly identical in many areas, and certainly in the area in which I worked. I had no problem of loyalty then. But after the war with the breaking up of this alliance, it became evident that the two horses that I had been riding were now going in different directions, and I had to choose, and that is when I chose.

Mr. MOULDER. The question propounded to you by Mr. Tavenner was concerning your answering the question on form 57 as to whether or not you were a member of the Communist Party, when interrogated, or when signing an oath to that effect. Did I understand that you did not receive instructions to falsify or make the denial from higher officials in the Communist Party but it was a result of your own studies and your group meetings that led you to that conclusion and to that action?

Mr. FUCHS. Yes, I think that is the answer, but you should also bear in mind that conclusions were reached by Communist Party groups as a result of discussion which included the above discussion, and so forth, so that it is hard for me to give you an unequivocal answer.

Mr. SCHERER. You said that when the United States and Russia started to or decided to part company as cobelligerents, you realized you were riding two horses. Therefore to continue, I infer naturally that you felt that you might have to have divided loyalties, is that right?

Mr. FUCHS. Yes.

Mr. SCHERER. You knew that you couldn't be loyal to the Communist Party or the Communist conspiracy, and the United States subsequent to that date at least?

Mr. FUCHS. Yes.

Mr. TAVENNER. If there is anything else that you want to tell the committee about the oath that would apply to yourself, you are perfectly free to state it if you so desire. You may have covered everything that you had in mind.

Mr. SCHERER. Will you repeat that question after I get through, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

Mr. SCHERER. There is no question in your mind, in view of what you have just said that the Communist Party is under the direction and control of a foreign power, that is, Soviet Russia?

Mr. FUCHS. This first broke through me in the immediate postwar period, and now there are times people tell me when I should have been aware of that in 1939, and that a lot of people were. I was not. This struck me toward the close of World War II, not simply that the two foreign policies diverged, but also that the American (Communist) Party was being pushed around pretty obviously to a position of opposition which it had substantially abandoned during the war, you see, and I just couldn't take it.

Mr. MOULDER. What was the year when you first became associated or affiliated with the Communist Party?

Mr. FUCHS. I got into the Communist Party in 1934, and that was a depression year.

Mr. MOULDER. What was the inducement or attraction that led you to become a member of the party?

Mr. FUCHS. My belief about that is that I was genuinely interested in being active in social reform of one sort or another.

Mr. MOULDER. I believe that has been covered.

Mr. TAVENNER. I am not certain whether you have covered all you had in mind about your individual situation. You may have covered it, and if you have, we will go on to something else.

Mr. FUCHS. I don't know. Shall we go to something else?

Mr. TAVENNER. Ultimately you were given a loyalty hearing, and cleared by your loyalty board; is that right?

Mr. FUCHS. That is true, sir.

Mr. MOULDER. What loyalty board was that?

Mr. TAVENNER. That was the loyalty board of the National Labor Relations Board.

Mr. WILLIS. But now in fairness to the decision and to you as an individual, part of the evidence upon which they had to act was your own denial of your membership?

Mr. FUCHS. Emphatically so, Mr. Willis. Yes, I think that the Board could not conceivably have reached a different conclusion on the record that was made.

Mr. WILLIS. Mr. Tavenner, you used a word that he had been cleared. He had been cleared on the basis of the evidence presented to the Board.

Mr. FUCHS. By me.

Mr. WILLIS. That is right.

Mr. TAVENNER. At the time you formed this cell within the NLRB, were you advised by either Arthur Stein, Victor Perlo, or anyone else just what the interest of the Communist Party was in having this cell organized within NLRB?

Mr. FUCHS. I think I have answered that a couple of times. At least I think that it is the same question.

Mr. TAVENNER. I think you have, but perhaps not fully.

Mr. FUCHS. I think that the interest of the Communist Party was to have a group working in a professional area in which the party was enthusiastically in sympathy with the program of the Government.

Mr. TAVENNER. This committee has conducted very extensive investigations into the field of entertainment and particularly in the Hollywood area, and into the screenwriters. Investigation has disclosed very pointedly that the Communist Party believed that if it could concentrate its efforts in Communist indoctrination of the screenwriters that would necessarily effect the product of those writers. Now, that appears time and again throughout the testimony. That gets very close to what you have said earlier this morning, and again this afternoon, that you had to take into consideration the ideological bias that a person would have in a position like that you and others had.

Mr. FUCHS. You said it, and I agreed with you.

Mr. TAVENNER. Actually, that is generally true in all phases of activity, isn't it? It would be true in the schools and it would be

true in the churches, and it would be true in labor, and every other field?

Mr. FUCHS. I think so; yes.

Mr. TAVENNER. Where a dedicated Communist subject to the directives and discipline of the Communist Party was in a sensitive position, his zeal for the party would necessarily affect him in his work, just like the screenwriters and the product of their work. Do you agree that that is right?

Mr. FUCHS. I think a zealous anything is affected in his work, whether he is a Communist, a vegetarian, or anything else.

Mr. WILLIS. If that is not so, Mr. Tavenner, then we would say that the Communists plan is purposeless, and I am sure it is purposeful.

Mr. TAVENNER. Do you not also agree that the Communist Party in its effort to accomplish its ideal of bringing about a dictatorship of the proletariat has as its prime target, trade unions? That is recognized in Communist Party history, is it not?

Mr. FUCHS. Trade unions, yes.

Mr. TAVENNER. That is the principal field in which it has been active, as a guiding star of its operations. There are many statements that Lenin has made regarding the interest of communism in the field of labor and I have selected one here which I think points up an important feature of this activity.

Lenin in his work involving trade unions said this:

Of course, the entire reformist officialdom must be driven out of the trade unions, but they should not be given the pleasure of our voluntary withdrawal. We must remain in the reactionary unions, work there, conquer the masses, drive out the leaders, and turn the unions into organs of the revolution.

In other words, the point I am trying to demonstrate is that the Communist Party had a special stake in the field of labor.

Mr. MOULDER. A special ambition in the field of labor.

Mr. TAVENNER. Well, its whole plan was based on its being able to gain strength and help there.

We are faced with this situation, where employees of the National Labor Relations Board were dealing constantly with labor unions, and some of which have been successful in fighting off communism and Communist influence and control, and some of which have been subservient to their control.

I am not asking you to judge yourself according to the situation that you were confronted with at that time. I am asking you to look at this matter objectively, on the basis of what you now know from your own experience within and without the party; and I want to ask you if you don't think it is an intolerable situation to permit dedicated and ideologically trained Communists who are subject to the directives and disciplines of the Communist Party to sit in judgment on the rights of labor unions or to administer the laws relating to labor unions? As I said, some of them are absolutely free of Communist control or domination, while others may be engaged in a terrific struggle to throw off that effort of domination and still others are subservient to it.

Isn't that an intolerable situation?

Mr. FUCHS. If I get the question correctly, my answer would be that it would be an intolerable situation. I think that the qualifying clauses or phrases in your question make it unnecessary to answer whether or not it was or is an intolerable situation, because I don't

think that the kind of dedicated Communist that you describe sat in judgment on labor unions at any time.

Mr. TAVENNER. That would be a matter of degree as to the dedication of the Communist.

Mr. FUCHS. And the amount of sitting in judgment, and the like. You had a lot of qualifications in that statement, and I was trying to listen to it. I am perfectly willing to agree that it would be an intolerable situation, but I don't think that that situation can be reproduced in history, the one that you gave.

Mr. WILLIS. I think that you would admit, though, that there was an effort higher up, maybe at a higher echelon than you ever reached, to create just such intolerable situations, and that was part of their goal if they could have done it.

Mr. FUCHS. I think so; yes, sir.

Mr. MOULDER. May I say at this point, the statement I intended to make is that this committee has assisted and cooperated with organized labor in every way possible to help them in our mutual objective to rid themselves of Communist domination and Communist control and exploitation.

Mr. TAVENNER. You have mentioned the fact several times during the course of your testimony of the interest of this Communist Party group within the NLRB in certain union activities within the NLRB. To what were you referring?

Mr. FUCHS. There were two unions at the NLRB and I don't know, but I think they ultimately amalgamated. Originally there was a lawyers union and a nonlawyers union at the NLRB. These people that came to work at the NLRB were being very enthusiastic about labor's new bill of rights, as expressed in a national statute, and were purer than the pure, and they very quickly decided that nobody who held any kind of supervisory rank could possibly be eligible for membership in any union, and so it wasn't very long before I myself became ineligible for membership in the union. Now, there was a lot of union discussion, both in the lawyers union and in the non-lawyers union and I think they ultimately amalgamated, and issues were raised on the floor of those unions, some of which were not strictly trade unionism and some of which were political and perhaps even international in context, and there was activity.

Mr. TAVENNER. Was there a contest waged among the employees of the NLRB between Communist members and non-Communist members to control the policies of those unions?

Mr. FUCHS. I think that is a fair statement. I must say that I don't have any very active present recollection of it, but I clearly recollect that that was a fact.

Mr. TAVENNER. Was there a movement undertaken to attempt to affiliate those unions with the CIO?

Mr. FUCHS. Yes; that was really very absurd.

Mr. TAVENNER. The CIO was one of the unions with which you had to pass judgment and against which you had to apply and administer the law?

Mr. FUCHS. Yes. I think that movement was indeed scotched but it was very absurd, a very absurd proposal.

Mr. TAVENNER. Which would have put you in the position of passing judgment on your own union group, would it not?

Mr. FUCHS. Yes; it would have been so.

Mr. TAVENNER. Did the Communist members of the group advocate that type of affiliation?

Mr. FUCHS. You know I really don't know. I think that our group was clear that that would be nonsense. I don't know whether there were other Communist groups that were not so clear. One thing that occurs to me that apparently isn't uniformly recognized or maybe looks different to different people, is this: You haven't really covered the subject when you say "Communist," and Communist groups actually have been in dispute with each other and Communist judgments are not uniformly sound in terms of their own ultimate objectives. I can recall instances within Communist groups in which there was a sharp disagreement as to what was the right thing to do.

Mr. TAVENNER. When that happened, you went to "Mike," didn't you?

Mr. FUCHS. Yes, but I should also say that we not only went to see him but we persuaded him of the wisdom of our view, and so you have this problem, then, and this is one of the nearly insoluble problems of organization, the extent to which there is any democracy. I have seen line changes that come like a bolt of lightning, and I have seen also situations in which a group persistently arguing with the boss, finally has its way.

Mr. TAVENNER. During the period of time that Victor Perlo was the authority to whom your group reported and the authority who passed down the directives to your group, do you know whether he was employed by the United States Government and how?

Mr. FUCHS. I don't remember his job history. I know he had some Government job at some time, but I don't remember when. I think that it was War Production Board.

Mr. SCHERER. What does the record show with reference to Perlo's employment?

Mr. TAVENNER. From September of 1933 until June of 1935, Victor Perlo was employed by the NRA; from June 1935 until October of 1937, Mr. Perlo was employed by the Federal Home Loan Bank Board; from October 1937, until 1939, Mr. Perlo was associated with the Brookings Institution. That of course was not Government employment.

Mr. FUCHS. I met him during his Brookings period.

Mr. TAVENNER. From September of 1939 until September of 1940, he was employed by the Department of Commerce. From November 15, 1940, until February 17, 1943, he was employed by the Advisory Council of National Defense of the OPA.

From February 17, 1943, until May 1, 1945, he was employed by the Civilian Production Administration, and beginning December 14, 1945, he was employed by the Treasury Department, Office of Monetary Research.

Mr. SCHERER. Until how long?

Mr. TAVENNER. I don't know. That is a record our committee made—it is an excerpt from our committee hearing in 1948 or 1949.

Mr. SCHERER. When did he finally get out of the Government?

Mr. TAVENNER. That is what I am trying to recall. It will be developed in the testimony, but I do not recall.

Mr. SCHERER. He was working with Harry Dexter White, wasn't he?

Mr. TAVENNER. The Monetary Research was set up under White, at the time that Perlo was employed there. Were you acquainted or did you ever meet Elizabeth Bentley?

Mr. FUCHS. No, sir.

Mr. TAVENNER. Elizabeth Bentley identified before this committee two groups of individuals who were referred to by her as espionage groups. One was the Nathan Gregory Silvermaster group, and the other the Victor Perlo group. She identified certain members of the Victor Perlo group and testified before this committee that that group through Victor Perlo delivered documents and information to her which she in turn delivered to Jacob Golos who was an espionage agent of the Soviet Union.

Here are the names of the persons she identified as members of the Victor Perlo espionage group: Allan Rosenberg, the man that you were directed to contact to form this group in the NLRB; Donald Niven Wheeler; Charles Kramer, whose real name was Charles Krevitsky; Edward Fitzgerald; Harry Magdoff; and Harold Glasser.

I asked you earlier in your testimony whether or not Allan Rosenberg knew Victor Perlo by his name and I believe you said you did not know. Did you ever see them in conference with each other?

Mr. FUCHS. No. I wonder, if it would help me, if Miss Bentley dates this.

Mr. TAVENNER. Yes; it was in 1944, that was the date at which she collected material from Victor Perlo.

Mr. FUCHS. In 1944 I was in Denver, Colo. And I had been for a year and a half, so that this is not in my period, and I don't know anything about it. I don't know whether Rosenberg knew Perlo or not. He obviously met him in our group.

Mr. SCHERER. Have you identified Allan Rosenberg as a Communist?

Mr. FUCHS. Yes, sir.

Mr. SCHERER. And this at least confirms Miss Bentley's testimony, as far as Rosenberg is concerned.

Mr. TAVENNER. I might say to you that although Elizabeth Bentley's work began with Victor Perlo about 1944, she testified that Jacob Golos for whom she was working had been collecting material for a considerable period of time. That was from 1937 until 1942.

Mr. SCHERER. I don't remember, Mr. Tavenner, but were there others than Rosenberg in this group about which Elizabeth Bentley testified who have been identified by this witness?

Mr. TAVENNER. Not as members of any cell of the Communist Party of which he was a member. Were you acquainted with these other people whose names I have mentioned? Let us take them individually. Donald Niven Wheeler?

Mr. FUCHS. No.

Mr. SCHERER. Just for the record, where is Wheeler now?

Mr. TAVENNER. Donald Niven Wheeler was brought before the committee in Seattle about a year ago, and refused to answer any material questions, relying on the fifth amendment. He is living in the State of Washington; that is my recollection.

Charles Kramer?

Mr. FUCHS. I met him once or twice on an introduction-only basis.

Mr. TAVENNER. Edward Fitzgerald?

Mr. FUCHS. I knew him socially.

Mr. TAVENNER. Harry Magdoff.

Mr. FUCHS. I knew him socially.

Mr. TAVENNER. Harold Glasser?

Mr. FUCHS. I knew Glasser not as well as the other two, but casually.

Mr. SCHERER. Would you say, Professor, you did not know these latter individuals mentioned as members of the Communist Party?

Mr. FUCHS. That is right, sir. I did not know.

Mr. SCHERER. When did you know these people socially?

Mr. FUCHS. I don't know how long I knew Fitzgerald and Magdoff.

Mr. SCHERER. About when was it?

Mr. FUCHS. It seems to me that I knew both of them at some time before and after my departure for Denver.

Mr. TAVENNER. Were you acquainted with Jacob Golos?

Mr. FUCHS. No.

Mr. TAVENNER. During the period of your acquaintanceship with the individuals mentioned, including Allan Rosenberg, did you observe or learn of the furnishing of any information to either Victor Perlo or Elizabeth Bentley for transmission to any Communist Party sources?

Mr. FUCHS. No, sir.

Mr. TAVENNER. In your Communist Party conferences, did you learn of any effort being made to assemble information for that purpose?

Mr. FUCHS. No, sir.

Mr. TAVENNER. Did you ever attend a Communist Party meeting at which any of the persons mentioned other than Allan Rosenberg was present?

Mr. FUCHS. No, sir.

Mr. TAVENNER. Did you yourself make available to Victor Perlo any information designed for Communist Party uses?

Mr. FUCHS. No, sir.

Mr. TAVENNER. Was any effort made at any time to secure information from you regarding any action of the NLRB or any of its procedures under circumstances that would indicate an improper use of that information?

Mr. FUCHS. I can think of only one instance of that, and I ask to be excused from talking about it. The committee has my testimony on it, and I am not at all sure that it has anything to do with communism. It was an attempt to get advance information on a decision of the Board, which failed, and I ask to be excused from talking about it.

Mr. MOULDER. You say the committee does have the information?

Mr. FUCHS. Yes, Mr. Moulder.

Mr. MOULDER. Very well, you may proceed.

Mr. TAVENNER. Was it a Communist Party member who sought to arrange for the obtaining of that information?

Mr. FUCHS. Yes; it was a person whom I knew to have become a party member, and I knew it by general repute, I believe.

Mr. SCHERER. Was he a Government employee or on the outside?

Mr. FUCHS. He was on the outside at the time of the effort. He had been a Government employee.

Mr. TAVENNER. Can you fix the approximate date of the incident?

Mr. FUCHS. I have tried to in my responses to the committee staff,

and I thought it was early in 1946. That is an estimate, and I don't know if it is right or not.

Mr. TAVENNER. I want you to make it clear as to whether or not you ultimately gave the information that was requested.

Mr. FUCHS. I did not give it, as my testimony shows.

Mr. SCHERER. Are you refusing to testify or asking not to be compelled to testify about it because in your opinion you feel that it didn't have anything to do with Communist Party activity or is it because you don't know whether or not it had anything to do with Communist Party activity?

Mr. FUCHS. This was an effort on the part of somebody to get some advance dope which was not proper for them to get, and there was nothing subversive about his getting it, but it would give him an advantage. He didn't get it, and I would like to spare him if I may; that is all. The committee has the information.

Mr. TAVENNER. I think that that is right.

Mr. SCHERER. I agree, but I just wanted to know.

Mr. TAVENNER. I might say that that would have been pertinent information for Congressman Smith's investigation of the NLRB which was conducted back in 1940, and which does show a great many irregularities and breakdowns in administration of that organization. But that is a separate thing from our field.

Mr. SCHERER. I concur in the witness' feelings, but I would like to ask if of your own knowledge this attempt to obtain advance information was a result of Communist Party activity or a result of some other interests wanting that information?

Mr. FUCHS. Mr. Scherer, I don't even know well enough that the individual involved was a Communist to be willing to testify that he was, although I believe he would be one. This embarrasses me now because having gone this far in my request to the committee, for me to reveal his name would be unconscionable.

Mr. SCHERER. I didn't want you to do that.

Mr. FUCHS. You see, it was simply a matter of trying to get a decision that was about ripe, maybe get it a day before the other side got it; something of that sort.

Mr. MOULDER. I think that has been practiced since time immemorial.

Mr. FUCHS. I am not sure it is communistic.

Mr. SCHERER. That is all I wanted to know.

Mr. TAVENNER. You have told us that you were through as a member of the Communist Party in 1946?

Mr. FUCHS. Yes, sir.

Mr. TAVENNER. Did you give any official of the Communist Party notice of your withdrawal?

Mr. FUCHS. No.

Mr. TAVENNER. Did you just quit?

Mr. FUCHS. I said I wasn't coming around any more. I didn't do it in any official way, and I didn't do it in writing. I stopped coming around.

Mr. TAVENNER. After that time, did you engage in any Communist Party activities?

Mr. FUCHS. No, sir.

Mr. TAVENNER. Were you solicited at any time after leaving the Communist Party to come back to it?

Mr. FUCHS. No, sir, I was not.

Mr. TAVENNER. I would be glad to have you tell the committee any circumstances you desire regarding your withdrawal from the Communist Party; that is, what led up to your decision to leave the Communist Party, and any information which might be of assistance in determining and deciding what ultimately are the determining factors in a person deciding to leave the Communist Party.

Mr. FUCHS. I have already mentioned to the committee part of the reason. I quit because I felt the first time in my Communist Party history a conflict of loyalties which would not permit me to remain a Communist. This was accentuated by the fact that right around that time I received a promotion in my agency to Assistant General Counsel. Again it all accumulated and made me feel it was inconsistent to accept that office and remain a Communist, so I stopped.

I don't think that I have anything more to add except to say that in retrospect, after 9 years of trying to live down this rather serious error, I would like to sum up what I don't like about communism as a way for people to operate, quite aside from the international question, because as I have tried to tell you gentlemen, the international issue didn't affect me until it caused me to drop out. It didn't affect me until 1945 and 1946.

The other things I regret are having lent myself to a movement that depends upon deceit as a way of influencing people. It depends upon the notion that if the objectives are noble, any means are justifiable, and it ends up inevitably by substituting some kind of a discipline or mass will for the individual conscience.

These are the things that in retrospect I deplore on my own behalf. I think that is all I have to say.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. WILLIS. I would like to reiterate our appreciation to the witness for his appearance. We have already expressed ourselves on that, but I now add a double measure of our appreciation for your appearance, for your contrite feeling now, and for your purging yourself of the blot that obviously was yours for a time. We are grateful to you, and I think the people should be.

Mr. SCHERER. Professor Fuchs, I am of the opinion that you did not lose your position at American University because you were not an intelligent and loyal and devoted teacher, since President Anderson says you are such. Neither did you lose your position because those who recommended your dismissal without a real hearing believed that you might still be a Communist. It is my opinion that President Anderson's real reasons for recommending your dismissal were not those given to the board of trustees of the university.

It is my firm conviction that someone with considerable influence at the university prevailed upon President Anderson to change his mind after he made that fine eulogy of you following your first testimony, the time when you refused to cooperate fully.

It is my further opinion that President Anderson was persuaded to reverse his stand because you subsequently cooperated with the Un-American Activities Committee of the Congress.

The contents of a recent book, entitled "I Protest," which is a violent attack on this committee, helped me reach these conclusions.

Of course, in any event, no matter what the reasons of the university were for dismissing you, it has in my opinion made a serious mistake,

and rendered a disservice to the country, and a heavy blow to our fight against internal subversion.

Obviously others now will hesitate to come forward because of fear of receiving treatment similar to that accorded you. Instead they will be inclined to take a cue from witnesses such as Prof. Wendell H. Furry, namely, to defy the committee and to take the fifth amendment and perhaps keep their jobs.

That is all I have to say.

Mr. MOULDER. I wish to add this: I have heard many fine compliments concerning your services at the American University, as being one of the outstanding professors and teachers of law there, and never has there been the slightest accusation against you as to loyalty, or as to your having ever talked or indicated a desire to influence anyone toward the philosophy of communism.

We all join together on this committee in highly commending you for your appearance and cooperation before the committee, as well as your loyalty and patriotism as an American citizen.

We want to thank you very much.

The committee will stand adjourned until tomorrow morning at 9:30.

(Thereupon, the committee recessed, at 4:35 p. m., to reconvene at 9:30 a. m., Wednesday, December 14, 1955.)

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Q.2.2.2	3206	en. part of 1-5
-	3207	NC
Q.1.2.2	3207	LA pts 7-10
h	3208	Klocklow pt 8

